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SALUS POPULI SUPREMA LEX ESTO

“The welfare of the people shall be the supreme law.”



ROBIN CARNAHAN
SECRETARY OF STATE

MISSOURI
REGISTER

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Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at <http://www.sos.mo.gov/adrules/pubsched.asp>

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HOW TO CITE RULES AND RSMo

RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 28, *Missouri Register*, page 27. The approved short form of citation is 28 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation , i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division within the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—The most recent version of the statute containing the section number and the date.

The Secretary of State shall publish all executive orders beginning January 1, 2003, pursuant to section 536.035.2, RSMo Supp. 2005.

EXECUTIVE ORDER 06-24

WHEREAS, Abraham Lincoln, the 16th President of the United States, was one of the Nation's most prominent leaders, demonstrating true courage during the Civil War, one of the greatest crises in the Nation's history; and

WHEREAS, born on February 12, 1809, Abraham Lincoln rose to the Presidency through a legacy of honesty, integrity, intelligence, and commitment to the United States; and

WHEREAS, with the belief that all men were created equal, Abraham Lincoln led the effort to free all slaves in the United States; and

WHEREAS, the Congress of the United States has created the "Abraham Lincoln Bicentennial Commission" to study and recommend worthy federal activities to honor Abraham Lincoln in 2009, the year of his bicentennial; and

WHEREAS, it is most appropriate for the State of Missouri to plan and carry out its own bicentennial tributes to Abraham Lincoln, and to coordinate those activities with those of the federal Abraham Lincoln Bicentennial Commission.

NOW, THEREFORE, I, MATT BLUNT, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and the Laws of the State of Missouri, do hereby establish a commission to be known as the "Missouri Abraham Lincoln Bicentennial Commission." The Commission shall have the following duties:

1. To study and recommend activities that may be carried out by the State of Missouri to honor Abraham Lincoln during the year of his bicentennial;
2. To educate Missourians about the life of Abraham Lincoln, most especially his years of service as the 16th President of the United States;
3. To assist local governments and organizations with planning, preparation, and grant applications for bicentennial events, programs and projects;
4. To plan and implement worthy activities to commemorate the bicentennial year; and
5. To coordinate federal, state and local bicentennial activities occurring in Missouri.

The Commission shall be composed of 10 members, as follows:

1. Two members of the House of Representatives, to be appointed by the Speaker of the House. One member shall be appointed from each political party;
2. Two members of the Senate, to be appointed by the President pro tempore of the Senate. One member shall be appointed from each political party;
3. One member who is a Missouri designated representative to the federal Abraham Lincoln Bicentennial Commission Governor's Council, to be appointed by the Governor; and
4. Five members with tourism, education, civil rights, economic development, historical or civic backgrounds, to be appointed by the Governor.

The Governor shall appoint one member from each political party to serve as co-chairs.

The "Missouri Abraham Lincoln Bicentennial Commission" shall expire on December 31, 2009.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 3rd day of July, 2006.


Matt Blunt
Governor

ATTEST:


Robin Carnahan
Secretary of State

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbolology under the heading of the proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety (90)-day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 232—Missouri State Committee of Interpreters Chapter 3—Ethical Rules of Conduct

PROPOSED AMENDMENT

4 CSR 232-3.010 General Principles. The board is proposing to add section (4) and renumber the remaining sections accordingly.

PURPOSE: This rule is being amended to define the term "casual setting."

(4) A person is not considered to be interpreting pursuant to 209.319 to 209.339, RSMo if, in a casual setting, a person is acting as an interpreter gratuitously or is engaged in interpreting incidental to traveling.

(A) A casual setting is defined as any event in which the sole

purpose of communication is social or family interaction and at which no decisions are made with long-term effects of a legal, financial, or medical nature.

[(4)] **(5)** For the purpose of these rules, a consumer shall be defined as any person, persons, or entity receiving interpreting services.

[(5)] **(6)** An interpreter shall not accept or continue an assignment if the interpreter does not possess the ability, education, training, experience, and qualifications as defined in rule 4 CSR 232-3.010(2).

[(6)] **(7)** An interpreter shall convey the content and affect of the source message transmitted, in a culturally and linguistically accurate manner, using the language or communication system most readily understood by the consumer.

(A) For the purpose of these rules, message shall mean the auditory or visual information that is to be interpreted into another language or communication system.

[(7)] **(8)** An interpreter shall not extend or lengthen an assignment for the sole purpose of financial gain.

[(8)] **(9)** An interpreter shall not misrepresent her/his licensure, ability, education, training, educational credentials, or certification as defined in rule 4 CSR 232-3.010(2).

[(9)] **(10)** The interpreter shall not interject personal opinion during an assignment or on matters pertaining to the assignment.

[(10)] **(11)** The interpreter shall safeguard any information obtained relating to an assignment. If an interpreting assignment is an event open to the public, the interpreter may disclose information regarding the location of the assignment and general nature of the event.

[(11)] **(12)** When an assignment is not an event open to the public, an interpreter shall not disclose information relating to the assignment to include location, nature of the assignment, or individuals present during the assignment without the written consent of the consumer.

(A) For the purpose of this rule, an interpreter may disclose the general location of an assignment for the purpose of contacting the interpreter, in the event of an emergency. However, the interpreter shall remain responsible for any unauthorized disclosure of information relating to an interpreting assignment.

(B) An interpreter may reveal such information as reasonably necessary to establish a claim or defense in a legal proceeding.

[(12)] **(13)** The interpreter shall not accept or continue an assignment when the objectivity or competency of the interpreter is or can reasonably be expected to be impaired because of an emotional, mental, psychological, or substance abuse disorder.

[(13)] **(14)** The interpreter shall not accept or continue an assignment if the interpreter's inability to remain neutral affects the interpretation.

[(14)] **(15)** The interpreter shall not accept or continue an interpreting assignment when the objectivity or competency of the interpreter is impaired because of the interpreter's familial, sexual, and/or emotional relationship with the consumer or consumer's family.

[(15)] **(16)** If the interpreter discovers a need to withdraw from an assignment, the interpreter shall advise the consumer.

[(16)] **(17)** An interpreter shall not delegate an assignment to a person who is not qualified or does not possess the appropriate certification, as defined in rule 4 CSR 232-3.010(2), for the service to be provided.

[(17)] (18) An interpreter shall not engage in an exploitive relationship with a consumer. For the purposes of these ethical rules of conduct, an exploitive relationship is any relationship between the interpreter and consumer that may take advantage of, or cause harm to, the consumer.

[(18)] (19) An interpreter shall maintain an appearance that does not interfere with the message as defined in 4 CSR 232-3.010/[(6)](7)(A).

[(19)] (20) Within the limits of the law, and after receiving written consumer consent, an interpreter must respond in writing, within thirty (30) days from the date of a written request or inquiry from the committee, mailed to the interpreter's address currently registered with the committee.

[(20)] (21) An interpreter shall not practice interpreting as defined in section 209.285(20), RSMo upon the lapse, expiration, suspension, or revocation of a certification.

AUTHORITY: sections 209.328.1, RSMo 2000 and 209.285, **209.321** and 209.334, RSMo Supp. 2005. Original rule filed Feb. 18, 1999, effective July 30, 1999. Amended: Filed Dec. 1, 2000, effective May 30, 2001. Amended: Filed Nov. 6, 2002, effective May 30, 2003. Amended: Filed Sept. 8, 2003, effective March 30, 2004. Amended: Filed March 18, 2005, effective Sept. 30, 2005. Amended: Filed Dec. 1, 2005, effective June 30, 2006. Amended: Filed July 17, 2006.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri State Committee of Interpreters, Pamela Groose, Executive Director, PO Box 1335, Jefferson City, MO 65102, by facsimile to (573) 526-3489, or by e-mail at interp@mail.state.mo.us. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 235—State Committee of Psychologists
Chapter 5—Rules of Conduct**

PROPOSED RESCISSION

4 CSR 235-5.030 Ethical Rules of Conduct. This rule complied with section 337.050, RSMo which allowed the committee to promulgate ethical principles governing the practice of psychology.

PURPOSE: This rule is being rescinded and readopted to provide more clarity to licensees when interpreting the board's rules regarding ethical conduct.

AUTHORITY: section 337.050.9, RSMo Supp. 1989. Original rule filed July 2, 1991, effective Feb. 6, 1992. Amended: Filed Nov. 13, 1992, effective July 8, 1993. Rescinded: Filed July 17, 2006.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with Missouri State Committee of Psychologists, Pam Groose, Executive Director, PO Box 1335, Jefferson City, MO 65102-0613 or at scop@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 235—State Committee of Psychologists
Chapter 5—Rules of Conduct**

PROPOSED RULE

4 CSR 235-5.030 Ethical Rules of Conduct

PURPOSE: This rule complies with section 337.050, RSMo which allows the committee through the division to promulgate ethical principles governing the practice of psychology.

(1) General Principles.

(A) Purpose. The ethical rules of conduct constitute the standards against which the required professional conduct of a psychologist is measured.

(B) Scope. The psychologist shall be governed by these ethical rules of conduct whenever providing psychological services in any context. These ethical rules of conduct shall apply to the conduct of all licensees and applicants, including the applicant's conduct during the period of education, training and employment which is required for licensure. The term psychologist, as used within these ethical rules of conduct, shall be interpreted accordingly whenever psychological services are being provided in any context.

(C) Responsibility for Own Actions. The psychologist, when functioning as a licensed psychologist, shall be fully responsible for his/her own professional decisions and professional actions.

(D) Violations. A violation of these ethical rules of conduct constitutes unprofessional conduct and is sufficient reason for disciplinary action or denial of either original licensure, reinstatement or renewal of licensure.

(E) Aids to Interpretation. *The Ethical Principles of Psychologists, Code of Conduct, Standards of Providers of Psychological Services and Specialty Guidelines for the Delivery of Psychological Services*, (publication date August, 1990) promulgated by the American Psychological Association and the *Code of Conduct* (publication date August, 1990) promulgated by the Association of State and Provincial Psychology Boards, shall be used as an aid in resolving ambiguities which may arise in the interpretation of the ethical rules of conduct, except that these ethical rules of conduct shall prevail whenever any conflict exists between these rules and any professional association standard. *The Ethical Principles of Psychologists and Code of Conduct, Standards of Providers of Psychological Services and Specialty Guidelines for the Delivery of Psychological Services* can be obtained from the American Psychological Association, 750 First Street, NE, Washington, DC 20002-4242, or by calling (800) 374-2721. *The Code of Conduct* can be obtained by contacting the Association of State and Provincial Psychology Boards, PO Box 241245, Montgomery, AL 36124-1245 or by calling (334) 832-4580.

(2) Definitions.

(A) Client—means a receiver of psychological services. A corporate entity or other organization can be a client when the professional contract is to provide services of benefit primarily to the organization rather than to individuals. In the case of individuals with legal

guardians, including minors and legally incompetent adults, the legal guardian shall be the client for decision making purposes, except that the individual receiving services shall be the client for:

1. Issues directly affecting the physical or emotional safety of the individual, such as sexual or other exploitative multiple relationships; and

2. Issues specifically reserved to the individual, and agreed to by the guardian prior to rendering of services, such as confidential communication in a therapy relationship.

(B) Confidential information—means information revealed by an individual(s) or otherwise obtained by a psychologist, where there is a reasonable expectation that because of the relationship between the individual(s) and the psychologist, or the circumstances under which the information was revealed or obtained, the information shall not be disclosed by the psychologist without the informed written consent of the individual(s). When a corporation or other organization is the client, rules of confidentiality apply to information pertaining to the organization, including personal information about individuals when obtained in the proper course of that contract. That information about individuals is subject to confidential control of the organization, not of the individual, and can be made available to the organization, unless there is reasonable expectation by that individual that information was obtained in a separate professional relationship with that individual and is therefore subject to confidentiality requirements in itself.

(C) Court order—means the written or oral communication of a member of the judiciary, or other court magistrate or administrator, if that authority has been lawfully delegated to that magistrate or administrator.

(D) Licensed—means licensed, certified, registered, or any other term when such term identifies a person whose professional behavior is subject to regulation by the committee.

(E) Professional relationship—means a mutually agreed upon relationship between a psychologist and a client(s) for the purpose of the client(s) obtaining the psychologist's professional expertise.

(F) Professional service—means all actions of the psychologist in the context of a professional relationship with a client.

(G) Supervisee—means any person, including a psychological trainee, psychological intern, psychological resident, provisionally licensed psychologist, psychological assistant and qualified assistant who functions under the extended authority of the psychologist to provide, or while in training to provide, psychological services.

(3) Competence.

(A) Limits on Practice. The psychologist shall limit practice and supervision to the areas in which competence has been gained through professional education, training derived through an organized training program and supervised professional experience. If important aspects of the client's problems fall outside the boundaries of competency, then the psychologist shall assist his/her client in obtaining additional professional consultation.

(B) Maintaining Competency. The psychologist shall maintain current competency in the areas in which s/he practices, through continuing education, consultation, other training, or any combination of these, in conformance with current standards of scientific and professional knowledge.

(C) Adding New Services and Techniques.

1. The psychologist, when developing competency in a new service or technique, shall engage in ongoing consultation with other psychologists or relevant professionals and shall seek appropriate education, training, supervised experience or all of the above in the new area, service or technique. The psychologist shall inform any client whose treatment will involve a newly developing service or technique of its innovative nature and the known risks associated with it, and of the client's right to freedom of choice concerning services received.

2. In those emerging areas without generally recognized standards for preparatory training, psychologists shall take reasonable

steps to ensure the competence of their work and to protect clients/patients, organizational clients, and others from harm.

3. When assuming forensic roles, psychologists shall become familiar with the judicial or administrative rules governing their roles and seek relevant consultation and training.

4. In emergencies, psychologists may provide services to individuals for whom no other services are available, even if the psychologist may not have obtained the necessary training, provided such services are designed to assure that needed services are not denied. These services shall terminate as soon as the emergency has ended and/or appropriate services are available.

(D) Accurate Representation. A psychologist shall accurately represent his/her areas of competence, education, training, experience, and professional affiliations to the committee, the public, and colleagues.

(E) Sufficient Professional Information. A psychologist rendering a formal professional opinion about a person, for example about the fitness of a parent in a custody hearing, shall not do so without direct and substantial professional contact with or a formal assessment of that person.

(4) Maintenance and Retention of Records.

(A) The psychologist rendering professional individual services to a client (or a dependent), or services billed to a third party payer, shall maintain professional records that include:

1. Name of the client and other identifying information such as address, telephone number, age, and/or sex;

2. The presenting problem(s) or purpose or diagnosis;

3. Any assessment including test results or other evaluative results obtained and any basic test data from which they were derived;

4. The date and description of each contact or service provided or pertaining to the client;

5. The nature, type and goals of any psychological interventions;

6. The fee arrangement and documentation of discussion with client prior to initiation of services;

7. A copy of all test or other evaluative reports prepared as part of the professional relationship;

8. Notation and results of formal consults with other providers;

9. Notation of referrals given or recommended to the client;

10. Any releases executed by the client;

11. Records shall contain data relating to financial transactions between the psychologist and client, including fees assessed and collected;

12. Written informed consent must be obtained concerning all aspects of services including assessment and therapy;

13. A provisionally licensed psychologist must include on the informed consent the fact that the provisional licensee is working under the supervision of a licensed psychologist. The informed consent form must identify the supervising psychologist; and

14. Entries in the records must be made within ten (10) days following each consultation or rendition of service. Entries that are made after the date of service must indicate the date entries are made, as well as the date of service.

(B) To meet the requirements of these rules, but not necessarily for other legal purposes, the psychologist shall assure that all data entries in the professional records are maintained for a period of not fewer than five (5) years after the last date of service rendered, or not less than the time required by other regulations, if that is longer.

1. The psychologist shall store and dispose of written, electronic and other records in such a manner as to ensure their confidentiality. The psychologist shall maintain the confidentiality of all psychological records in the psychologist's possession or under the psychologist's control except as otherwise provided by law or pursuant to authorization of a client specifically requesting or authorizing release or disclosure of the client's psychological records; and

2. For each person professionally supervised, the psychologist

shall maintain, for a period of not less than five (5) years after the last date of supervision, a record of the supervisory session that shall include the type, place, and general content of the session, as well as other information required by these rules, other law or good practice.

(5) Continuity of Care.

(A) The psychologist shall make prior arrangements for another appropriate professional(s) to be available for consultation during periods of his/her extended absences from professional availability. The psychologist shall inform the client of available emergency services for use during those times when s/he cannot be reached. These periods include, but are not limited to, after-office hours, weekends, holidays or vacations.

(B) The psychologist shall make provisions for the transfer or disposal of all written or electronic records of the client in the event of the psychologist's death or incapacitation.

(6) Multiple Relationships.

(A) Impaired Psychologist. The psychologist shall not undertake or continue a professional relationship with a client when the competency of the psychologist, is or could reasonably be expected to be impaired due to mental, emotional, physiologic, pharmacologic or substance abuse conditions. If a condition develops after a professional relationship has been initiated, the psychologist shall terminate the relationship in an appropriate manner, shall notify the client in writing of the termination and shall assist the client in obtaining services from another professional.

(B) Multiple Relationship Affecting Psychologist's Judgment. The psychologist shall not undertake or continue a professional relationship with a client when the objectivity or competency of the psychologist is, or could reasonably be expected to be impaired because of the psychologist's present or previous familial, social, sexual, emotional, financial, supervisory, political, administrative or legal relationship with the client or a relevant person associated with or related to the client. If a dual relationship develops or is discovered after the professional relationship has been initiated, the psychologist shall terminate the professional relationship in an appropriate manner, shall notify the client in writing of this termination and shall assist the client in obtaining services from another professional.

(C) Prohibited Relationships.

1. The psychologist, in interacting with any current client or with a client to whom the psychologist has at anytime within the previous twenty-four (24) months rendered counseling, psychotherapeutic or other professional psychological services for the treatment or amelioration of emotional distress or behavioral inadequacy, shall not enter into a financial or other potentially exploitative relationship with him/her/them.

2. The psychologist, in interacting with any current client or with a person to whom the psychologist at any time within the previous sixty (60) months has rendered counseling, psychotherapeutic or other professional psychological services for the treatment or amelioration of emotional distress or behavioral inadequacy, shall not—

A. Engage in sexual intercourse, which includes any genital contact of the psychologist with the client or the client with the psychologist. This specifically prohibits sexual intercourse, sodomy—oral, anal copulation, or both; or any penetration of the anal opening by any one (1) part or object;

B. Engage in kissing with the mouth, lips or tongue of the psychologist with the client or the client with the psychologist;

C. Touching or caressing by either the psychologist or client of the other person's breasts, genitals or buttocks;

D. Engage in any deliberate or repeated comments, gestures or physical contact of a sexual nature that exploits the professional relationship with the client;

E. Terminate a therapeutic relationship with a client or student for the purpose, expressed or implied, of having a sexual relationship with that person;

F. Exhibitionism and voyeurism—exposing one's self or

encouraging another to expose him/herself for the purpose of sexual gratification; or

G. Engage in any verbal or physical behavior toward him/her which is sexually seductive, demeaning, or harassing.

3. Prohibited exploitation in professional relationships. The psychologist shall not exploit, sexually or otherwise, his/her professional relationship with clients, supervisees, students, employees, research participants or others.

(7) Client Welfare.

(A) Providing Explanation of Procedures.

1. The psychologist shall give a truthful, understandable and reasonably complete account of the client's condition to the client or the parent of minor children or legal guardian. The psychologist shall keep the client fully informed as to the purpose and nature of any evaluation, treatment or other procedures, and of the client's right to freedom of choice regarding services provided.

2. When a psychologist agrees to provide services to a person or entity at the request of a third party, the psychologist shall explain and document the nature of the relationships with all individuals or organizations involved. This includes the role of the psychologist, who is the client, the probable uses of the services provided or the information obtained, and any known or probable limits to confidentiality.

(B) Termination of Services. Whenever professional services are terminated, the psychologist shall provide alternative sources of professional services or assistance when indicated. The psychologist shall terminate a professional relationship when it is reasonably clear that the client is not benefitting from the relationship, and shall prepare the client appropriately for such termination.

(C) Unnecessary Service. The psychologist shall not exploit clients by providing unnecessary psychological service.

(D) Stereotyping. The psychologist shall not impose on the client any stereotypes of behavior, values or roles related to age, gender, religion, race, disability, nationality or sexual preference which would interfere with the objective provision of psychological services to the client. The psychologist obtains training, experience or counsel to assure competent service or research relating to these persons.

(E) Sexual or Other Multiple Relations With a Client. The psychologist shall not enter into a sexual or other multiple relationship with a client, as specified in subsections (6)(B) and (C) of these ethical rules of conduct.

(F) Solicitation of Business by Clients. The psychologist providing services to an individual client shall not induce that client(s) to solicit business on behalf of the psychologist.

(G) Referrals on Request. The psychologist shall make an appropriate referral to another professional when requested to do so by the client.

(H) Offering Services to Clients of Others. In deciding whether to offer services to someone already receiving similar services elsewhere, the psychologist shall carefully consider the treatment issues and the potential client's welfare. The psychologist shall discuss these issues with the client to minimize the probable risks of confusion and conflict, and proceed with caution and sensitivity to the therapeutic issues.

(8) Welfare of Supervisees, Clients, Research Subjects and Students.

(A) Welfare of Supervisees and Students. The psychologist shall not harass or exploit a supervisee or student in any way—sexually, financially or otherwise. The psychologist as a teacher shall recognize that the primary obligation is to help others acquire knowledge and skill. The psychologist shall maintain high standards of scholarship by presenting psychological information objectively, fully and accurately. The teaching duties of the psychologist shall be performed on the basis of careful preparation so that the instruction is accurate, current and scholarly.

(B) Welfare of Clients and Research Subjects.

1. Clarifying expectations. The psychologist shall document that

the client has been informed as to the purpose and nature of an evaluation, research, treatment or educational procedure as well as reasonable alternatives in language commensurate with the individual's level of comprehension.

2. Minors and those with diminished capacity. Whenever possible, the psychologist shall obtain informed consent from children and from individuals with diminished mental capacity regarding their participation in psychological services or research. If they object to participation, the psychologist shall consider the individual's basic rights in light of those factors such as age, psychological maturity and the judgment of the individual's parents or legal guardians. The psychologist's decision shall be based upon the best interests of the individual.

3. Voluntary and mandatory procedures. The psychologist shall inform recipients as to the voluntary or mandatory nature of the assessment, treatment, research, educational or training procedure. When a procedure is voluntary, the psychologist shall inform the clients, students or research participants of their freedom of choice and any alternatives to participation.

4. Electronic recording and filming. The psychologist shall obtain permission from clients, students and research participants prior to the use of observation or electronic taping, recording or filming procedures.

5. Access to confidential information of others. When the possibility exists that others may obtain access to confidential information, the psychologist shall explain this possibility, together with plans for protecting confidentiality, to clients, students or research participants as part of the procedure for obtaining informed consent.

6. Inducements for research participants. In offering clinical or other professional services as an inducement for obtaining research participants, the psychologist shall make clear the nature of the services as well as the risks and obligations.

7. Research involving risk or discomfort. When conducting research, the psychologist shall clearly communicate to participants the experience they are likely to have, especially those that they might find negative, such as physical risk or discomfort, or negative emotional reactions.

8. Freedom to avoid or withdraw from research. Individuals are ordinarily free to decline to participate or to withdraw from research without adverse consequences. When research participation is mandated by a third party, the psychologist shall describe the probable consequences of consenting, declining to participate or subsequently withdrawing from the research.

9. Protecting the right of the individual to avoid or withdraw from research. When the psychologist conducts research with individuals whose real or ascribed power is different than that of the psychologist, special care shall be taken to protect their rights to decline participation or withdraw from research.

10. Waiving informed consent.

A. Before deciding to waive informed consent, the psychologist planning research that may not require informed consent, such as certain types of archival research or anonymous naturalistic observations, shall consult with federal and state guidelines or human subject review committees.

B. When informed consent by a legally authorized person is not permitted or required by law, psychologists shall take reasonable steps to protect the individual's rights and welfare.

11. Research obligations and responsibilities. Prior to conducting research, the psychologist shall establish a clear and fair agreement with participants that clarifies the obligations and responsibilities of each party.

12. Post-research consultation with participants. The psychologist shall inform participants of procedures for contacting him/her, within a reasonable time period following participation, should stress, harm or related questions or concerns arise.

13. Provision of participants research results and conclusions. When conducting research, the psychologist shall provide participants, regardless of age or diminished mental capacity, with the

opportunity to receive information about the general results and conclusions of that research.

14. The sharing and utilization of data. The psychologist shall clarify, in advance, the plans for sharing and utilizing research data with participants and any other persons.

15. Research planning. In planning a study, the psychologist shall carefully evaluate ethical acceptability. If the weighing of scientific and human values suggests the possibility of a violation of any principle, the psychologist shall seek ethical advice through peer consultation and institutional review boards, and observe stringent safeguards to protect the rights of human participants and the welfare of animal subjects.

16. Animal subjects' welfare. When working with animal subjects, the psychologist shall ensure that the animals will be treated humanely. The psychologist shall only inflict discomfort, illness or pain when the objectives of the research cannot be achieved by other methods. Any procedures that do inflict pain, stress or privation must be strongly justified by their prospective scientific, educational or applied value.

17. Assessment of risk level and protection of human participants. Assessing the degree of risk to research participants, according to recognized standards, is of primary ethical concern to the psychologist. Human participants shall be protected from physical and mental harm as well as any danger that may arise from research procedures.

18. Deception and debriefing. The psychologist shall not deceive human participants about the experience of participating in a study, especially those aspects that subjects might find negative, such as physical risk, discomfort or unpleasant emotional experiences. Any deceptive aspects of a study shall be explained at the conclusion or earlier. Before conducting such a study, psychologists have a special responsibility to determine whether—

A. The use of deceptive techniques is justified by the study's prospective scientific, educational or applied value; and

B. Alternative procedures are available that do not use concealment or deception.

19. Minimizing invasiveness of data gathering. Interference with the milieu in which data are collected shall be kept to a minimum.

(9) Protecting Confidentiality of Clients.

(A) Informing Others of Legal Limits of Confidentiality. The psychologist shall inform clients at the outset of a professional relationship of those constraints on confidentiality that can be reasonably anticipated.

(B) Safeguarding Confidential Information. The psychologist shall safeguard the confidential information obtained in the course of practice, teaching, research or other professional duties. Psychologists who offer services, products or information via electronic transmission shall inform clients/patients of the risks to privacy and limits of confidentiality.

(C) Disclosure of Confidential Information. The psychologist shall disclose confidential information to others only with the informed written consent of the client with the exceptions as set forth here.

1. Disclosure without informed written consent. The psychologist may disclose confidential information without the informed written consent of the client when the psychologist judges that disclosure is necessary to protect against a clear and substantial risk of imminent serious harm being inflicted by the client on the client or on another person. In that case, the psychologist shall disclose the confidential information only to appropriate professional workers, public authorities, the potential victim, the family, or both, of the client. When the client is an organization, disclosure shall be made only after the psychologist has made a reasonable and unsuccessful attempt to have the problems corrected within the organization.

2. Use of interpreters. Psychologists using the services of an interpreter shall obtain informed consent from the client/patient to use that interpreter, shall ensure that confidentiality of test results

and test security are maintained, and include in recommendation reports and diagnostic or evaluative statements, including forensic testimony, discussion or any limitations on the data obtained.

3. Legally dependent clients. At the beginning of a professional relationship, to the extent that the client can understand, the psychologist shall inform a client who is below the age of majority or who has a legal guardian of the limit the law imposes on the right of confidentiality with respect to his/her communications with the psychologist.

4. Multiple clients. When service is rendered to more than one (1) client during a joint session, for example to a family or a couple or a parent and child or a group, the psychologist shall, at the beginning of the professional relationship, clarify to all parties the manner in which confidentiality will be handled. All parties shall be given opportunity to discuss and to accept whatever limitations of confidentiality will be adhered to in the situation.

5. Release of confidential information. The psychologist may release confidential information upon court order, as defined in section (2) of this rule, or to conform with state or federal law or regulation.

6. Abuse reports of abuse of children and vulnerable adults. The psychologist shall be familiar with any relevant law concerning the reporting of abuse of children and vulnerable adults, and shall comply with the law.

7. Discussion of client information among professionals. When rendering psychological services as part of a team or when interacting with other appropriate professionals concerning the welfare of the client, the psychologist may share confidential information about the client provided the psychologist takes reasonable steps to assure that all persons receiving the information are informed about the confidential nature of the information and abide by the rules of confidentiality.

(D) Limited Access to Client Records. The psychologist shall limit access to client records and shall assure that all persons working under his/her authority comply with the requirements for confidentiality of client material.

(E) Disguising Confidential Information. For any confidential information used in teaching, research or writing, the psychologist shall insure that the reported material is appropriately disguised to prevent client identification.

(F) Observation and Electronic Recording. The psychologist shall ensure that diagnostic interviews or therapeutic sessions with a client are observed or electronically recorded only with the informed written consent of the client.

(G) Confidentiality After Termination of Professional Relationship. The psychologist shall continue to treat client records as confidential information after the professional relationship between the psychologist and the client has ceased.

(10) Integrity and Representation of Title and Services.

(A) Display of License. The psychologist shall display prominently on the premises of the professional practice the psychologist's current Missouri license to practice psychology.

(B) Use of Appropriate Title. When representing him/herself to the public through advertisements, including telephone listings, business cards, letterhead and other public announcements, the psychologist shall use a title which accurately reflects professional education, training and experience. This title shall be clearly presented as to denote the actual status and training of the person. Initials of titles are not appropriate for use. For example, the title of Psychological Resident shall not be listed as P.R., the title of Clinical Psychologist shall not be listed as C.P., or the title of Provisional Licensed Psychologist shall not be listed as P.L.P. The use of initials for the highest earned relevant academic degree is acceptable.

(C) Accurate Representation of Services. When announcing or advertising professional services, the psychologist may list the following information to describe the provider and services provided: name, highest relevant academic degree earned from a regionally

accredited institution, date, type and level of certification or licensure, diplomate status, American Psychological Association (APA) membership status, address, telephone number, office hours, a brief listing of the types of psychological services offered, an appropriate presentation of fee information, foreign languages spoken and a policy with regard to third-party payments. Psychologists licensed on the basis of a master's degree shall not advertise their services using a higher degree earned in a field other than psychology.

(D) Accurate Representation of Qualifications. The psychologist shall not misrepresent directly or by implication his/her professional qualifications, such as, education, experience or areas of competence.

(E) Accurate Representation of Affiliations. The psychologist shall not misrepresent directly or by implication his/her affiliations, or the purposes or characteristics of institutions and organizations with which the psychologist is associated.

(F) False or Misleading Information. The psychologist shall not include false or misleading information in public statements concerning psychological services offered. Public statements include, but are not limited to, communication by means of periodical, book, list, directory, television, radio or motion picture. They shall not contain:

1. A false, fraudulent, misleading, deceptive or unfair statement;
2. A misrepresentation of fact or a statement likely to mislead or deceive because in context it makes only a partial disclosure of relevant facts;
3. A testimonial from a client regarding the quality of a psychologist's services or products;
4. A statement intended or likely to create false or unjustified expectations of favorable results;
5. A statement implying unusual, unique or one-of-a-kind abilities;
6. A statement intended or likely to appeal to a client's fears, anxieties or emotions concerning the possible results of failure to obtain the offered services;
7. A statement concerning the comparative desirability of offered services; or
8. A statement of direct solicitation of individual clients.

(G) Accurate Representation of Services or Products. The psychologist shall not associate with or permit his/her name to be used in connection with any services or products in such a way as to misrepresent—

1. The services or products;
2. The degree of his/her responsibility for the services or products; or
3. The nature of his/her association with the services or products.

(H) Correction of Misrepresentation by Others. The psychologist shall correct others who misrepresent his/her professional qualifications or affiliations.

(I) Accurate Claims. The psychologist shall take credit only for work actually done, including publication credit.

(J) Publication Credit. Publication credit shall accurately reflect the relative contribution of the individuals involved, regardless of professional status. A student generally is listed as the principal author of any multiple-authored article based primarily on the student's thesis or dissertation. Minor contributions to publications shall be acknowledged in footnotes or in an introductory statement.

(K) Acknowledging All Sources. Plagiarism in either written or oral form is unethical. Acknowledgment through specific citations shall be made for unpublished as well as published material that has directly influenced the research or writing.

(L) Fabrication of Data. A psychologist shall not fabricate data. If a psychologist discovers significant errors in their published data, they shall take reasonable steps to correct these errors in a correction, retraction, erratum or other appropriate publication means.

(11) Remuneration.

(A) Financial Arrangements.

1. All financial arrangements shall be made clear to each client in advance of billing.

2. The psychologist shall not mislead or withhold from any client, prospective client or third-party payor information about the cost of his/her professional services.

3. The psychologist shall not exploit a client or responsible payor by charging a fee that is excessive for the services performed or by entering into a bartering arrangement in lieu of a fee.

4. The primary obligation of the psychologist employed by an institution, agency or school is to persons entitled to his/her services through the institution, agency or school. A psychologist shall not accept a private fee or any other form of remuneration from those persons unless the policies of a particular institution, agency or school make explicit provision for private work with its clients by members of its staff. In those instances, the client or guardian shall be fully apprised of available services and all policies affecting him/her, prior to entering into a private professional relationship with the psychologist.

(B) Improper Arrangements.

1. The psychologist shall neither derive nor solicit any form of monetary profit or personal gain as a result of his/her professional relationship with clients or immediate exclients, beyond the payment of fees for psychological services rendered. However, unsolicited token gifts from a client are permissible.

2. The psychologist shall not use his/her professional relationship with clients or immediate exclients to derive personal gain, other than through fees for professional services, for him/herself, or for any other person, or for any organization from the sale or promotion of a nonpsychology-related product or service.

3. The psychologist shall neither give nor receive any commission, rebate or other form of remuneration for referral of a client for professional services.

4. The psychologist shall not bill for services that are not rendered. However, s/he may bill for missed appointments which the client did not cancel in advance, if this is part of the financial arrangements made in accordance with paragraph (11)(A)1. of this rule.

(12) Assessment Procedures.

(A) Competent Use of Assessment Techniques. The psychologist shall use, administer and interpret psychological assessment techniques competently and maintain current knowledge about research developments and revisions concerning the techniques that are used.

(B) Confidential Information. The psychologist shall treat an assessment result or interpretation regarding an individual as confidential information.

(C) Communication of Results. The psychologist shall accompany communication of results of assessment procedures to the client, parents, legal guardians or other agents of the client by adequate interpretive aids or explanations.

(D) Reservations Concerning Results. The psychologist shall include in his/her report of the results of an assessment procedure any deficiencies of the assessment norms for the individual assessed and any relevant reservations or qualifications which affect the validity, reliability or other interpretation of results.

(E) Protection of Integrity of Assessment Procedures. The psychologist shall not reproduce or describe in popular publications, lectures or public presentations, psychological tests or other assessment devices in ways that might invalidate them.

(F) Information for Professional Users. The psychologist offering an assessment procedure or automated interpretation service to other professionals shall accompany this offering by a manual or other printed material which fully describes the development of the assessment procedure or service, the rationale, evidence of validity and reliability, and characteristics of the normative population. The psychologist shall explicitly state the purpose and application for which

the procedure is recommended and identify special qualifications required to administer and interpret it properly. The psychologist shall ensure that the advertisements for the assessment procedure or interpretive services are factual and descriptive.

(13) Violations of Law.

(A) Violations of Applicable Statutes. The psychologist shall not violate any applicable statute or administrative rule regarding the practice of psychology.

(B) Use of Fraud, Misrepresentation or Deception. The psychologist shall not use fraud, misrepresentation or deception in:

1. Obtaining a psychology license;
2. Passing a psychology licensing examination;
3. Assisting another to obtain a psychology license or to pass a psychology licensing examination;
4. Billing clients or third-party payors;
5. Providing psychological service;
6. Reporting the results of psychological evaluations or services;

or

7. Conducting any other activity related to the practice of psychology.

(14) Aiding Unauthorized Practice.

(A) Aiding Unauthorized Practice. The psychologist shall not aid or abet another person in misrepresenting his/her professional credentials or in illegally engaging in the practice of psychology.

(B) Employing Other Licensed Professionals. A psychologist may employ or utilize the services of other licensed professionals in his/her practice so long as this professional is acting within the terms and scope of his/her respective license.

(C) Delegating Professional Responsibility. The psychologist shall not delegate professional responsibilities to a person not qualified, not appropriately credentialed to provide those services, or both.

(D) Providing Supervision. The psychologist shall exercise appropriate supervision over supervisees, as set forth in the regulations of the committee.

1. In academic and supervisory relationships, psychologists establish timely and specific processes for providing feedback to students and supervisees. Information regarding the process is provided to the student and supervisees at the beginning of supervision.

2. Psychologists evaluate students and supervisees on the basis of their actual performance on relevant and established program requirements.

(15) Resolving Issues.

(A) Reporting of Violations to Committee. The psychologist who has knowledge or believes in good faith that there has been a violation of the statutes or rules of the committee shall inform the committee in writing. When the information regarding that violation is obtained in a professional relationship with a client, the psychologist shall report it only with the written permission of the client. Nothing in this rule shall relieve a psychologist of the duty to file any report required by applicable statutes. Failure to report a violation of the statutes and/or rules, is in itself, an ethics violation.

(B) Providing Information to Client. When a psychologist learns from a client of a possible violation of the statutes or rules of the committee, or when a psychologist receives a request from a client for information on how to file a complaint with the committee, the psychologist has an obligation to inform the client of the standards of practice of psychology and how to file a complaint with the committee.

(C) Cooperating with the Committee. The psychologist shall cooperate with the State Committee of Psychologists by responding personally or through his/her attorney to inquiries.

(D) Circumventing Disciplinary Rules. Psychologists shall not circumvent a disciplinary rule of professional conduct through actions of another.

AUTHORITY: sections 337.030, Supp. 2005 and 337.050.9, RSMo 2000. Original rule filed July 2, 1991, effective Feb. 6, 1992. Amended: Filed Nov. 13, 1992, effective July 8, 1993. Rescinded and readopted: Filed July 17, 2006.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with Missouri State Committee of Psychologists, Pam Groose, Executive Director, PO Box 1335, Jefferson City, MO 65102-0613 or at scop@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 235—State Committee of Psychologists
Chapter 7—Continuing Education**

PROPOSED AMENDMENT

4 CSR 235-7.020 Continuing Education Reports. The committee is proposing to amend the original Purpose statement.

PURPOSE: This rule is being amended to provide clarity to the existing rule.

PURPOSE: This rule establishes the criteria for maintaining record of continuing education [program records] claimed.

AUTHORITY: sections 337.030, RSMo Supp. 2005 and 337.050.12, RSMo [Supp. 1998] 2000. Original rule filed Dec. 31, 1998, effective Aug. 30, 1999. Amended: Filed July 17, 2006.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Missouri State Committee of Psychologists, Pam Groose, Executive Director, PO Box 1335, Jefferson City, MO 65102-0613 or at scop@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 235—State Committee of Psychologists
Chapter 7—Continuing Education**

PROPOSED AMENDMENT

4 CSR 235-7.030 Categories of Continuing Education Programs and Credits. The committee is proposing to amend sections (1) and (2) of the rule.

PURPOSE: This rule is being amended to provide additional clarity with regard to the categories of continuing education programs and credits.

(1) The committee recognizes the following categories of continuing education programs, seminars or activities and established credit hours.

(A) Category A formal activities, a minimum of fifteen (15) credits per reporting cycle. Category A activities are defined as—

1. Formal continuing education programs that may consist of programs, seminars, or activities accredited by any accredited or identified sponsor listed in 4 CSR 235-7.005(1). The number of continuing education credits assigned by an association as defined in these rules will be accepted.

2. Regularly scheduled postgraduate courses offered by a “recognized educational institution” as defined in 4 CSR 235-7.005(7), which are relevant to the practice of psychology. [One-quarter (1/4) hour of academic credit constitutes ten (10) continuing education credits.] One (1) [semester] credit hour or the equivalent of academic credit constitutes fifteen (15) continuing education credits.

3. Writing or speaking, including a paper or other presentation at a formal professional meeting, a paper published in a professional journal, or a book or an original chapter in an edited book in the area of psychology or a related field. Credit will be granted for the year of publication or presentation in the case of a paper. Continuing education credits will be granted at the rate of [four (4) for each paper or] two (2) per presentation, eight (8) for each published journal article or chapter in a published book, ten (10) for editing a published book, and fifteen (15) for the [publication of a book] authorship of a published book.

4. Preparation and teaching a graduate level course at a recognized educational institution where the contents of which are primarily psychological. Continuing education credits will be granted at the rate of five (5) hours per class with a maximum of ten (10) per reporting cycle. No single course shall be reported more than one (1) time per reporting cycle.

(B) Category B other programs, seminars, or activities, a maximum of twenty-five (25) credits per reporting cycle of Category B activities may count towards the two (2)-year, forty (40) continuing education credit hour requirement in 4 CSR 235-7.010. Category B programs, seminars, or activities are defined as—

[1. Self-study.

A. Any licensed psychologist may receive up to ten (10) hours of self-study credit in a two (2)-year reporting cycle by studying psychology related material, including but not limited to videotapes, audiotapes and publications, in furtherance of general academic and professional competence; and

2. Other continuing education experiences. The committee will accept a maximum of eight (8) hours of continuing education received from any or all of the five (5) categories of continuing education experiences found in this paragraph unless otherwise specified.]

1. The categories of continuing education experiences and the number of hours of continuing education for each category are as follows:

A. Meetings. Registered attendance at relevant professional meetings (international, national, regional, state, local). Three (3) hours per day;

B. Workshops, seminars and courses. Registered attendance at relevant nonaccredited workshops, seminars, colloquium, grand rounds or academic courses. Number of actual attendance hours;

C. [Publications. Books, articles published by applicant in relevant professional books, journals, or periodicals. Three (3) hours in a non-refereed journal; six (6) hours in a refereed journal;] Preparation and teaching of an undergraduate level course at a recognized educational institution where the contents

of which are primarily psychological, three (3) hours per class, nine (9) maximum per reporting cycle. No single course shall be reported more than one (1) time per reporting cycle; and

[D.] *Presentations.* Presentations by applicant at relevant professional meetings (international, national, regional, state, or local). Number of clock hours for a maximum of three (3) hours per presentation; and]

[E.] *D.* Individual study. Self-study of professional material including relevant books, journals, periodicals, [tapes] other forms of media, and other materials and preparation of relevant lectures and talks to public groups. Preparation credit may not be claimed under this category for presentations credited under paragraph 1. of this subsection. The committee will accept a maximum of [four (4)] ten (10) hours continuing education credits in individual study.

(2) Experience Not Acceptable for Continuing Education. The [board] committee will not consider personal psychotherapy, workshops for personal growth, [or] services to professional associations, providing supervision or case conference as meeting the requirements for continuing education.

AUTHORITY: sections 337.030, RSMo Supp. 2005 and 337.050.12, RSMo [Supp. 1998] 2000. Original rule filed Dec. 31, 1998, effective Aug. 30, 1999. Amended: Filed July 17, 2006.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Missouri State Committee of Psychologists, Pam Groose, Executive Director, PO Box 1335, Jefferson City, MO 65102-0613 or at scop@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 267—Office of Tattooing, Body Piercing and Branding

Chapter 2—Licensing Requirements

PROPOSED AMENDMENT

4 CSR 267-2.020 Fees. The board is proposing to amend sections (1)–(3).

PURPOSE: The Division of Professional Registration is statutorily obligated to enforce and administer the provisions of sections 324.520–324.526, RSMo. Fees are set so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the Office of Tattooing, Body Piercing and Branding for administering the provisions of sections 324.520–324.526, RSMo. Therefore, the division is reducing the fees associated with licensure.

(1) The operator of a tattoo, body piercing or branding establishment shall pay a biennial license fee to the office as follows:

- | | |
|---|----------------|
| (A) Tattoo establishment | [\$375] \$187 |
| (B) Body piercing establishment | [\$375] \$187 |
| (C) Branding establishment | [\$375] \$187 |
| (D) Combined tattoo, body piercing or branding establishment | [\$450] \$225 |
| (E) Renewal for a tattoo, body piercing or branding establishment | [\$375] \$187 |

(F) Renewal for a combined tattoo, body piercing and/or branding establishment [\$450] \$225

(2) The operator of a temporary tattoo, body piercing and/or branding establishment shall pay a fee to the division as follows:

- | | |
|--|----------------|
| (A) Temporary tattoo establishment (per event) | [\$250] \$125 |
| (B) Temporary body piercing establishment (per event) | [\$250] \$125 |
| (C) Temporary branding establishment (per event) | [\$250] \$125 |
| (D) Temporary combined tattoo, body piercing and/or branding establishment (per event) | [\$300] \$150 |

(3) A person who wishes to practice as a tattooist, body piercer, or brander shall pay a biennial fee to the division as follows:

- | | |
|---------------------------------------|---------------|
| (A) Tattooist | [\$ 75] \$37 |
| (B) Renewal for tattooist | [\$ 75] \$37 |
| (C) Body piercer | [\$ 75] \$37 |
| (D) Renewal for a body piercer | [\$ 75] \$37 |
| (E) Brander | [\$ 75] \$37 |
| (F) Renewal for a brander | [\$ 75] \$37 |
| (G) Combined practitioner | [\$150] \$75 |
| (H) Renewal for combined practitioner | [\$150] \$75 |

AUTHORITY: section 324.522, RSMo Supp. [2004] 2005. Original rule filed Aug. 15, 2002, effective Feb. 28, 2003. Amended: Filed Feb. 15, 2005, effective Aug. 30, 2005. Amended: Filed July 17, 2006.

PUBLIC COST: This proposed amendment will reduce the Tattoo Fund by approximately seventy-five thousand thirty-eight dollars (\$75,038) biennially for the life of the rule. It is anticipated that the total reduction will recur biennially for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed amendment will save private entities an estimated seventy-five thousand thirty-eight dollars (\$75,038) biennially for the life of the rule. It is anticipated that the total savings will recur biennially for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Office of Tattooing, Body Piercing and Branding, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489 or via e-mail at tattoo@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

PUBLIC ENTITY FISCAL NOTE**I. RULE NUMBER****Title 4 -Department of Economic Development****Division 267 - Office Tattooing, Body Piercing and Branding****Chapter 2 - Licensing Requirements****Proposed Rule - 4 CSR 267-2.020 Fees**

Prepared May 31, 2006 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Loss of Revenue
State Board of Chiropractic Examiners	\$75,038.00

Total Loss of Revenue
Biennially for the Life of the Rule **\$75,038.00**

III. WORKSHEET

See Private Entity Fiscal Note

IV. ASSUMPTION

1. The division is statutorily obligated to enforce and administer the provisions of sections 324.520-324.526, RSMo. Pursuant to Section 324.522, RSMo, the division shall by rule and regulation set the amount of fees authorized by sections 324.520-324.526, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 324.520-324.526, RSMo.

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER

Title 4 -Department of Economic Development

Division 267 - Office of Tattooing, Body Piercing and Branding

Chapter 2 - Licensing Requirements

Proposed Amendment - 4 CSR 267-2.020 Fees

Prepared May 31, 2006 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by type of the business entities which would likely be affected:	Estimated savings for compliance with the amendment by affected entities:
41	Tattoo Establishments (application fee - \$188 decrease)	\$7,708
43	Tattoo Establishments (biennial renewal fee - \$188 decrease)	\$8,084
2	Body Piercing Establishments (application fee - \$188 decrease)	\$176
5	Body Piercing Establishments (biennial renewal fee - \$188 decrease)	\$940
1	Branding Establishments (application fee - \$188 decrease)	\$188
	Branding Establishments (biennial renewal fee - \$188 decrease)	\$0
41	Combined Tattoo, Body Piercing or Branding Establishments (application fee - \$225 decrease)	\$9,225
89	Combined Tattoo, Body Piercing or Branding Establishments (biennial renewal fee - \$225 decrease)	\$20,025
138	Tattooists (application fee - \$38 decrease)	\$5,204
250	Tattooists (renewal fee - \$38 decrease)	\$9,500
59	Body Piercers (application fee - \$38 decrease)	\$2,242
61	Body Piercers (renewal fee - \$38 decrease)	\$2,318
1	Branders (application fee - \$38 decrease)	\$38
	Branders (renewal fee - \$38 decrease)	\$0
26	Combined Practitioner (application fee - \$75 decrease)	\$1,950
87	Combined Practitioner (renewal fee - \$75 decrease)	\$6,525
1	Temporary Tattoo Establishments (temporary license fee/per event - \$125 decrease)	\$125

1	Temporary Body Piercing Establishments (temporary license fee/per event - \$125 decrease)	\$125
1	Temporary Branding Establishments (temporary license fee/per event - \$125 decrease)	\$125
2	Temporary Combined Tattoo, Body Piercing or Branding Establishments (temporary license fee/per event - \$150 decrease)	\$300
Estimated Biennial Cost Savings for the Life of the Rule		\$75,058

III. WORKSHEET

See table above

IV. ASSUMPTION

1. The figures reported above are based on FY04 and FY05 actuals and FY06 projections.
2. It is anticipated that the total saving will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee

NOTE

The division is statutorily obligated to enforce and administer the provisions of sections 324.520-324.526, RSMo. Pursuant to Section 324.522, RSMo, the division shall by rule and regulation set the amount of fees authorized by sections 324.520-324.526, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 324.520-324.526, RSMo.

**Title 5—DEPARTMENT OF ELEMENTARY
AND SECONDARY EDUCATION
Division 50—Division of School Improvement
Chapter 345—Missouri School Improvement Program**

PROPOSED RESCISSION

5 CSR 50-345.020 Policies on Waiver of Regulations. This rule established the criteria and procedures for annually identifying school district and/or school building eligibility for waivers in compliance with state statutes.

PURPOSE: This rule is being rescinded because the passage of rule 5 CSR 50-345.200 replaced the need for this rule.

AUTHORITY: sections 160.518, 160.545, 161.092, 161.210 and 163.031.5(3), RSMo 2000. This rule was previously filed as 5 CSR 30-345.020. Original rule filed Sept. 30, 1999, effective March 30, 2000. Amended: Filed May 25, 2001, effective Jan. 30, 2002. Rescinded: Filed July 14, 2006.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Elementary and Secondary Education, Attn: Becky Kemna, Coordinator, School Improvement and Accreditation, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 5—DEPARTMENT OF ELEMENTARY
AND SECONDARY EDUCATION
Division 80—Teacher Quality and Urban Education
Chapter 805—Educator Preparation**

PROPOSED AMENDMENT

5 CSR 80-805.015 Procedures and Standards for Approval of Professional Education Programs in Missouri. The State Board of Education is proposing to amend the Purpose, sections (1)–(7), amend and renumber sections (9)–(14) and incorporate by reference materials, and delete sections (8), (15) and (16).

PURPOSE: This amendment updates and clarifies language in the rule and modifies elements in the Missouri Standards for Teacher Education Programs (MoSTEP) and the Benchmarks for Preliminary Professional Education Programs, which are incorporated by reference.

PURPOSE: This rule provides procedures and standards for approval of professional education programs in baccalaureate degree granting [four (4)-year] colleges and universities in Missouri. The rule also provides procedures and standards for approval of preliminary teacher education programs in associate's degree granting [two (2)-year] colleges in Missouri and acceptance of *academic credits* from [the two (2)-year] *these* colleges for purposes of *meeting requirements for* teacher certification [and student transfer to the four (4)-year colleges and universities].

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporat-

ed by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency as its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) For the purpose of this rule, unless the context clearly requires otherwise, the following terms shall mean:

[(A)] *Advanced certification program.* A post-baccalaureate program leading to additional certification;]

[(B)](A) Annual reports. Written reports prepared by the professional education unit each year attesting to its continuing capacity to meet the standards and requirements of the State Board of Education (board);

[(C)](B) *Approved [program].* [The status granted a professional education program by the board authorizing the recommendation of] **The action by the board authorizing a professional education program(s) to recommend** candidates for certification as a result of the program having demonstrated [its capacity to satisfy the] **compliance with all of the** standards for the preparation of educational professionals, not to exceed seven (7) years;

[(D)](C) Candidate[s]. [Individuals] **An individual** admitted to or enrolled in a program[s] for [initial or advanced] the preparation of teachers or other professional school personnel;

[(E)](D) Certification. The official recognition by the board that an individual has met state requirements and is, therefore, approved to practice as a duly certified/licensed education professional;

[(F)] *Clinical experiences.* Activities that are conducted in off-campus settings, such as a school, classroom, or community center. They include classroom observations, tutoring, assisting teachers and administrators, student teaching, and internships;

[(G)] *Conceptual framework.* The rationale and organizing principles that guide the development of the design, curriculum, and accountability for professional education;]

[(H)](E) [Conditional Approval The status granted a professional education program by the board authorizing an institution to recommend] **Approved with conditions.** The action by the board authorizing a professional education program to recommend candidates for certification [from such programs] for a period, not to exceed two (2) years, with conditions and limitations stipulated by the board;/. **This decision indicates that a program is not in compliance with one (1) or more of the standards used to evaluate the program;**

[(I)](F) [Denial of approval Board action that denies or removes the authorization of an institution to] **Disapproved.** The action by the board to deny or revoke the authorization of a professional education program to recommend candidates for state certification [from programs that fail to meet the standards and requirements for the preparation of educational professionals];

[(J)] *Diversity.* Differences among groups of people based on culture, ethnicity, race, language, socio-economic status, gender, regional/geographic background and exceptionalities. The Department of Elementary and Secondary Education (DESE) does not consider diversity of geographic origins, religion, or language group to be good faith representation of wide-range cultural diversity;]

[(K)](G) Evaluation team. A team selected by [DESE] the Department of Elementary and Secondary Education (DESE) for the purpose of conducting an on-site review and evaluation of an institution's professional education unit and programs; the team includes a member of DESE, faculty from elementary or secondary schools and institutions of higher education possessing board approved professional education programs;

[(L)] *Governance.* The system and structure for defining policy and administering procedures for the professional education unit;

[(M) Initial certification programs. Programs at the baccalaureate or post-baccalaureate levels that prepare candidates for their first certificate of license to teach;]

[(N)/(H) Interim review. A review conducted during a period of program approval, consistent with board procedures and standards and authorized by the commissioner of education (commissioner) when s/he has reason to believe that an institution or an approved program is no longer in compliance with state standards for when an institution recommends a candidate for certification from a nonapproved program;]

[(O)/(I) Preliminary professional education program. A program that provides the introductory or early phases of teacher preparation culminating in a two (2)-year associate's degree;]

[(P) Professional community. Professional education candidates, faculty/staff in PK–12 schools, higher education faculty, and others in the educational enterprise;]

[(Q)/(J) Professional education unit. [An institution of higher education,] A college, school, department, or other administrative entity within [the] an institution of higher education that is primarily responsible for the initial and advanced preparation of teachers and other professional school personnel; and]

[(R) Professional education faculty. Those individuals employed by a college or university who teach one (1) or more courses in education, provide services to education students (e.g., advising or supervising student teaching), or administer some portion of the unit; professional education faculty may include both higher education faculty and school-based personnel who are considered to be members of an institution's professional education unit;]

[(S)/(K) Professional education program. A planned sequence of courses and experiences [leading to a degree, state certification, and/or adequate preparation to provide professional education services in schools] for preparing teachers or other professional school personnel to work in pre-kindergarten through grade twelve (PK–12) schools;].]

[(T) Program approval process. The sequence of events by which professional education programs are reviewed and evaluated by DESE to determine if they meet the standards for the preparation of school personnel; and]

[(U) Scholarly activities. The active involvement in one's area of specialization as demonstrated through such faculty activities as research, articles published, program evaluation studies, documentation of ongoing activities, grant seeking, and presentations at professional meetings.]

(2) Professional education programs [at] offered by institutions of higher education in Missouri shall be evaluated according to [the standards listed below and in] the Missouri Standards for Teacher Education Programs (MoSTEP) and the Benchmarks for Preliminary Teacher Education Programs, along with a glossary (October 2006) which are hereby incorporated by reference and made a part of this rule, as published by the Department of Elementary and Secondary Education, Educator Preparation, PO Box 480, Jefferson City, MO 65102-0480. This rule does not incorporate any subsequent amendments or additions.

[(A) Standard 1: Performance Standards for Education Professionals. (Initial and Advanced) The professional education unit ensures that candidates for professional certification possess the knowledge, skills, and competencies defined as appropriate for their area of responsibility.]

[(B) Standard 2: Program and Curriculum Design. (Initial and Advanced) The professional education unit has high quality professional education programs that are derived from a conceptual framework that is knowledge-based, articulated, shared, coherent, consistent with the unit and/or institutional mission, and continuously evaluated.]

[(C) Standard 3: Clinical Experiences. (Initial and Advanced) The professional education unit ensures that

clinical experiences for programs are well-planned, of high quality, integrated throughout the program sequence, and continuously evaluated.]

[(D) Standard 4: Composition, Quality, and Competence of Student Population. (Initial and Advanced) The professional education unit has and implements plans to recruit, admit, and retain a diverse student population who demonstrate potential for professional success in schools.]

[(E) Standard 5: Qualifications, Composition, Assignments, and Development of Professional Education Faculty, and Quality of Instruction. (Initial and Advanced) The professional education unit has and implements plans to recruit, employ and retain a diverse faculty who demonstrate professional qualifications and high quality instruction.]

[(F) Standard 6: Governance, Organization, and Authority. (Initial and Advanced) Governing boards and administrators shall indicate commitment to the preparation of educational personnel, as related to the institution's mission and goals, by adopting and implementing policies and procedures supportive of programs for the preparation of professional educators.]

[(G) Standard 7: Professional Community. (Initial and Advanced) The professional education unit and the professional community collaborate to improve programs for the preparation of school personnel and to improve the quality of education in the schools.]

[(H) Standard 8: Resources for Operating the Unit and for Supporting Teaching and Learning. (Initial and Advanced) The professional education unit has sufficient facilities, equipment, and budgetary resources to fulfill its mission and offer quality programs. The unit has adequate resources to support teaching and scholarship by faculty and candidates.]

(3) In lieu of [the standards listed above] MoSTEP, the board may accept the standards of any accrediting agency used for the evaluation of a professional education unit in an institution of higher education, if the agency is approved by the United States Department of Education and has established a formal agreement with DESE.

(4) An institution of higher education [desiring] seeking initial approval of its professional education program(s) shall submit a written request and supporting documentation in accordance with the standards and procedures in MoSTEP.

(5) An institution of higher education [desiring continuing approval of its] with state-approved professional education program(s) shall submit to DESE annual reports in a form consistent with the rules and regulations promulgated by the board.

(6) An evaluation team shall conduct an on-site review of an institution's professional education program(s) to determine compliance with MoSTEP [listed above] and shall prepare a report for the commissioner [of education].

(7) The commissioner [of education] shall review the evaluation team's report and may request additional information from the institution before recommendations are made to the board.

[(8) For professional education programs that receive a rating of "not met" by the evaluation team or programs for which the commissioner of education has indicated to the institution that s/he may recommend denial of approval, the institution shall be afforded an opportunity for a hearing to provide evidence to support approval or conditional approval of those programs. The hearing shall be conducted by the commissioner of education or his/her designee according to the provisions of Chapter 536, RSMo.]

[(9)](8) The commissioner [of education] shall recommend to the board that the professional education program(s) of the institution be [granted approval; conditional approval; or be denied approval] **approved, approved with conditions or disapproved**. The commissioner's recommendation [of the commissioner of education] shall not include [denial of approval to] **disapproval** of programs for which the institution was not afforded an opportunity for a hearing, according to the provisions of Chapter 536, RSMo.

[(10)](9) The board shall review the recommendations of the commissioner [of education] and shall [grant approval; conditional approval; or deny approval of] **approve, approve with conditions, or disapprove** an institution's professional education program(s). The board shall not [deny approval to] **disapprove** programs for which the institution was not afforded an opportunity for a hearing according to the provisions of Chapter 536, RSMo.

(A) Should the board [grant conditional approval to] **approve with conditions** any professional education program(s) offered by an institution, the institution's authorization to recommend candidates for certification shall not exceed two (2) years with conditions and limitations stipulated by the board. [Conditional approval] **Approved with conditions** for a professional education program(s) shall not be extended or renewed without consent of the board or its designee.

(B) Should the board [deny approval to] **disapprove** any professional education program(s) offered by an institution of higher education, the commissioner [of education] shall notify the institution of the [denial] **decision** and inform the institution of the reasons for the [denial] **decision**.

[(11)](10) The commissioner [of education] may authorize an interim review of [an institution] **a professional education unit** or an approved professional education program(s) in accordance with the rules and regulations promulgated by the board. As a result of the review, and upon the recommendation of the commissioner [of education], the board may [discontinue an institution's] **disapprove a unit's or program's** authorization to recommend candidates for certification.

[(12)](11) Requisite conditions, guidelines, procedures and standards, as set forth in the rules and regulations promulgated by the board, shall be followed by **any** institutions seeking board approval of their professional education program(s).

[(13)](12) DESE will accept[, for purposes of teacher certification and student transfer to baccalaureate degree granting four (4)-year institutions of higher education,] **academic** credits from state-approved preliminary teacher education programs in Missouri's [two (2)-year] **community** colleges to meet general education, subject knowledge and/or professional education competencies [equivalent to those in the first two (2) years of the baccalaureate educational experience] **required for certification**.

[(14)](13) All institutions of higher education in Missouri seeking [DESE] approval for preliminary professional education programs shall be reviewed and evaluated by DESE and approved by the board pursuant to MoSTEP and the Benchmarks for Preliminary Teacher Education Programs.

[(15)] *It is not the intent of this rule to cause Missouri's four (4)-year teacher preparation institutions to deny acceptance of credit for candidates from any two (2)-year or other four (4)-year institutions of higher education.*

[(16)] *It is not the intent of this rule to deny acceptance of any nonprofessional education credit earned at two (2)-year community colleges to meet the renewal requirements for a certificate of license to teach.*

AUTHORITY: sections 161.092 and 168.021, RSMo Supp. [2003] 2005 and 161.097 and 161.099, RSMo 2000. This rule was previously filed as 5 CSR 80-800.015. Original rule filed Sept. 29, 1986, effective Jan. 12, 1987. For intervening history, please consult the Code of State Regulations. Amended: Filed July 14, 2006.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education. ATTN: Dr. Mike Lucas, Director of Educator Preparation, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 18—PUBLIC DEFENDER COMMISSION

Division 10—Office of State Public Defender

Chapter 3—Guidelines for the Determination of [Indigency] Indigence

PROPOSED AMENDMENT

18 CSR 10-3.010 Guidelines for the Determination of [Indigency] Indigence. The commission is changing the chapter title, the rule title, amending the purpose section, adding a new section (1) and amending and renumbering old sections (1)–(3).

PURPOSE: This amendment allows the State Public Defender greater discretion in finding eligibility for public defender representation for individuals accused of crimes.

PURPOSE: This rule establishes the guidelines for the determination of [indigency] indigence and prescribes a form for that purpose.

(1) Eligibility for Representation.

(A) A person shall be considered eligible for representation when it appears from all the circumstances of the case including his/her ability to make bond, his/her income and the number of persons dependent on him/her for support that the person does not have the means at his/her disposal or available to him/her to obtain counsel in his/her behalf and is indigent as hereafter determined.

(B) The determination of indigence of any person seeking the services of the State Public Defender System shall be made by the defender or anyone serving under him/her at any stage of the proceeding. Upon motion by either party, the court in which the case is pending shall have authority to determine whether the services of the public defender may be utilized by the defendant. Upon the court's finding that the defendant is not indigent, the public defender shall no longer represent the defendant.

[(1)] (2) Public Assistance, Unemployment Compensation and Income Maintenance Payments.

(A) Unemployed defendants receiving public assistance are eligible for defense services provided by the Office of State Public Defender regardless of the amount of the benefits. If the defendant is receiving public assistance and has a part-time job, or other asset/s, the weekly amount of benefits and the additional source of income should be added together and compared to the maximum Qualifying Income Scale to Determine [Indigency] **Indigence**.

(B) If a defendant is receiving disability payments, pension, unemployment compensation or Social Security, this is considered income and the amount of the payment must be considered.

[(2)] (3) Maximum Qualifying Income Scale.

(A) A defendant may be considered indigent if his/her gross pay and other sources of income do not exceed the federal poverty guideline as issued in the *Federal Register* by the U.S. Department of Health and Human Services.

(B) When making the financial determination, the following factors should be taken into consideration:

1. **Debts and Expenses**—Debts should be taken into consideration to the extent that *[payments reduce the take-home pay of the defendant.] they are reasonable and necessary. Debts [caused by hospital bills, taxes, fines, child support and alimony are allowable only if actual payments on debts are being made] are considered only if actual payments are being made;*

[2. Bond—If the defendant has been released on bail on any case in the amount of five thousand dollars (\$5,000) or more, a presumption is created that the defendant is not indigent and the ability of the defendant to meet the bail must be given consideration;]

[3.] 2. **Spouse's Income**—The spouse's *[income should be considered if the spouse is employed and supports the defendant. The income shall also be considered if they share the household expenses]* financial status shall be considered unless the spouse is the alleged victim;

[4.] 3. **Parent's Income**—The parent's income should be considered if they support the defendant and the defendant is under eighteen (18) years of age **unless a parent is an alleged victim of the charged offense.** Defendants eighteen (18) years or older shall be considered independent from family income unless they are full-time students or are dependent upon their parents or when *[the] one or both parents [or a relative] post bond; and*

[5. Mortgage—If the defendant owns or is buying a home, the defendant's equity must be determined. If defendant's equity exceeds ten thousand dollars (\$10,000), the defendant would not qualify for a public defender; and]

[6.] 4. **Assets**—*[Unless the defendant is charged with a Class A felony, cash in excess of one thousand dollars (\$1,000) creates a presumption of non-indigency.] If the person owns or is buying a home, the equity must be determined and considered on the question of indigence.* Bank accounts, stocks, bonds, jewelry, equity in insurance and any other financial assets must be considered. *[All vehicles are assets and must also be considered. If the total value of the asset(s) is more than two thousand dollars (\$2,000), the defendant is presumed not to be indigent.]*

[(3)] (4) Discretionary Aspects of Determining *[Indigency]* **Indigence.**

(A) The previously mentioned financial criteria are to be applied in all cases and considered with the probable expense and burden of defending the case. If a person is determined to be eligible for the services provided by the State Public Defender System and if, at the time such determination is made, s/he is able to provide a limited cash contribution toward the cost of representation without imposing a substantial hardship upon himself/herself or his/her dependents, such contribution shall be required as a condition of his/her representation by the State Public Defender System. If at any time, either during or after the disposition of his/her case, such defendant becomes financially able to meet all or some part of the cost of services rendered to him/her, s/he shall be required to reimburse the commission in such amounts as s/he can reasonably pay, either by a single payment or by installments of reasonable amounts, in accordance

with a schedule of charges for public defender services prepared by the commission; **and**

[(B) If a defendant is found not indigent and not eligible for a public defender, s/he has the right to appeal that decision to the court; and]

[(C)] (B) An individual requesting public defender service shall complete and sign an Application for Public Defender Services.

AUTHORITY: sections 600.017(10), 600.086 and 600.090, RSMo 2000. Original rule filed Nov. 12, 1985, effective Feb. 13, 1986. Amended: Filed Feb. 14, 2002, effective Aug. 30, 2002. Amended: Filed July 24, 2006.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Public Defender Commission, 3402 Buttonwood, Columbia, MO 65201, ATTN: Daniel Gralike. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 20—DEPARTMENT OF INSURANCE
Division 400—Life, Annuities and Health
Chapter 5—Advertising and Material Disclosures

PROPOSED RULE

20 CSR 400-5.410 Disclosure of Material Facts in Annuity Sales

PURPOSE: This rule is to provide standards for the disclosure of certain information about annuity contracts to protect consumers and foster consumer education. The rule specifies material information which must be disclosed and the method for disclosing it in connection with the offer and sale of annuity contracts. The goal of this regulation is to ensure that purchasers of annuity contracts understand certain basic features of an annuity contract. This rule is based upon the Annuity Disclosure Model Regulation, adopted by the National Association of Insurance Commissioners in 1998. The rule is a minimum standard, but is not a substitute for complete disclosure of material facts prior to sale as required by law.

(1) Applicability. This regulation applies to all group and individual annuity contracts and certificates except:

(A) Annuities that are registered under federal securities law with the United States Securities and Exchange Commission;

(B) Immediate and deferred annuities that contain no nonguaranteed elements;

(C)

1. Annuities used to fund:

A. An employee pension plan which is covered by the Employee Retirement Income Security Act (ERISA);

B. A plan described by Sections 401(a), 401(k) or 403(b) of the *Internal Revenue Code*, where the plan, for purposes of ERISA, is established or maintained by an employer;

C. A governmental or church plan defined in Section 414 or a deferred compensation plan of a state or local government or a tax exempt organization under Section 457 of the *Internal Revenue Code*; or

D. A nonqualified deferred compensation arrangement established or maintained by an employer or plan sponsor.

2. Notwithstanding paragraph 1., the regulation shall apply to annuities used to fund a plan or arrangement that is funded solely by contributions an employee elects to make whether on a pre-tax or after-tax basis, and where the insurance company has been notified that plan participants may choose from among two (2) or more fixed annuity providers and there is a direct solicitation of an individual employee by a producer for the purchase of an annuity contract. As used in this subsection, direct solicitation shall not include any meeting held by a producer solely for the purpose of educating or enrolling employees in the plan or arrangement; and

(D) Structured settlement annuities.

(2) Definitions. Unless inconsistent with definitions provided by statute, the following terms and phrases shall mean:

(A) "Contract owner" means the owner named in the annuity contract or certificate holder in the case of a group annuity contract.

(B) "Determinable elements" means elements that are derived from processes or methods that are guaranteed at issue and not subject to company discretion, but where the values or amounts cannot be determined until some point after issue. These elements include the premiums, credited interest rates (including any bonus), benefits, values, non-interest based credits, charges or elements of formulas used to determine any of these. These elements may be described as guaranteed but not determined at issue. An element is considered determinable if it was calculated from underlying determinable elements only, or from both determinable and guaranteed elements.

(C) "Generic name" means a short title descriptive of the annuity contract being applied for or illustrated such as "single premium deferred annuity."

(D) "Guaranteed elements" means the premiums, credited interest rates (including any bonus), benefits, values, non-interest based credits, charges or elements of formulas used to determine any of these, that are guaranteed and determined at issue. An element is considered guaranteed if all of the underlying elements that go into its calculation are guaranteed.

(E) "Non-guaranteed elements" means the premiums, credited interest rates (including any bonus), benefits, values, non-interest based credits, charges or elements of formulas used to determine any of these, that are subject to company discretion and are not guaranteed at issue. An element is considered non-guaranteed if any of the underlying non-guaranteed elements are used in its calculation.

(F) "Structured settlement annuity" means a "qualified funding asset" as defined in Section 130(d) of the *Internal Revenue Code* or an annuity that would be a qualified funding asset under section 130(d) but for the fact that it is not owned by an assignee under a qualified assignment.

(3) Standards for the Disclosure Document and Buyer's Guide.

(A)

1. Where the application for an annuity contract is taken in a face-to-face meeting, the applicant shall at or before the time of application be given both the disclosure document described in subsection (3)(B) and the Buyer's Guide contained in section (5).

2. Where the application for an annuity contract is taken by means other than in a face-to-face meeting, the applicant shall be sent both the disclosure document and the Buyer's Guide no later than five (5) business days after the completed application is received by the insurer.

A. With respect to an application received as a result of a direct solicitation through the mail:

(I) Providing a Buyer's Guide in a mailing inviting prospective applicants to apply for an annuity contract shall be deemed to satisfy the requirement that the Buyer's Guide be provided no later than five (5) business days after receipt of the application.

(II) Providing a disclosure document in a mailing inviting a prospective applicant to apply for an annuity contract shall be deemed to satisfy the requirement that the disclosure document be provided no later than five (5) business days after receipt of the application.

B. With respect to an application received via the Internet:

(I) Taking reasonable steps to make the Buyer's Guide available for viewing and printing on the insurer's website shall be deemed to satisfy the requirement that the Buyer's Guide be provided no later than five (5) business days after receipt of the application.

(II) Taking reasonable steps to make the disclosure document available for viewing and printing on the insurer's website shall be deemed to satisfy the requirement that the disclosure document be provided no later than five (5) business days after receipt of the application.

C. A solicitation for an annuity contract provided in other than a face-to-face meeting shall include a statement that the proposed applicant may contact the insurance department of the state for a free annuity Buyer's Guide. In lieu of the foregoing statement, an insurer may include a statement that the prospective applicant may contact the insurer for a free annuity Buyer's Guide.

3. Where the Buyer's Guide and disclosure document are not provided at or before the time of application, a free look period of no less than fifteen (15) days shall be provided for the applicant to return the annuity contract without penalty. This free look shall run concurrently with any other free look provided under state law or regulation.

(B) At a minimum, the following information shall be included in the disclosure document required to be provided under this regulation:

1. The generic name of the contract, the company product name, if different, and form number, and the fact that it is an annuity;

2. The insurer's name and address;

3. A description of the contract and its benefits, emphasizing its long-term nature, including examples where appropriate:

A. The guaranteed, non-guaranteed and determinable elements of the contract, and their limitations, if any, and an explanation of how they operate;

B. An explanation of the initial crediting rate, specifying any bonus or introductory portion, the duration of the rate and the fact that rates may change from time-to-time and are not guaranteed;

C. Periodic income options both on a guaranteed and non-guaranteed basis;

D. Any value reductions caused by withdrawals from or surrender of the contract;

E. How values in the contract can be accessed;

F. The death benefit, if available, and how it will be calculated;

G. A summary of the federal tax status of the contract and any penalties applicable on withdrawal of values from the contract; and

H. Impact of any rider, such as a long-term care rider;

4. Specific dollar amount or percentage charges and fees with an explanation of how they apply; and

5. Information about the current guaranteed rate for new contracts that contains a clear notice that the rate is subject to change.

(C) Insurers shall define terms used in the disclosure statement in language that facilitates the understanding by a typical person within the segment of the public to which the disclosure statement is directed.

(4) Report to Contract Owners. For annuities in the payout period with changes in non-guaranteed elements and for the accumulation period of a deferred annuity, the insurer shall provide each contract owner with a report, at least annually, on the status of the contract that contains at least the following information:

(A) The beginning and end date of the current report period;

(B) The accumulation and cash surrender value, if any, at the end of the previous report period and at the end of the current report period;

(C) The total amounts, if any, that have been credited, charged to the contract value or paid during the current report period; and

(D) The amount of outstanding loans, if any, as of the end of the current report period.

(5) Buyer's Guide to Fixed Deferred Annuities.

(A) The language of the Fixed Deferred Annuity Buyer's Guide is limited to that contained in the form set forth as Exhibit A, or to language approved by the director. Companies may purchase personalized brochures from the National Association of Insurance Commissioners (NAIC) or may request permission to reproduce the Fixed Deferred Annuity Buyer's Guide, which is included herein, in their own type style and format. The face page of the Fixed Deferred Annuity Buyer's Guide shall read as stated in Exhibit A.

Exhibit A **Fixed Deferred Annuity Buyer's Guide**

Prepared by the National Association of Insurance Commissioners

The National Association of Insurance Commissioners is an association of state insurance regulatory officials. This association helps the various insurance departments to coordinate insurance laws for the benefit of all consumers.

This guide does not endorse any company or policy.

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It is important that you understand the differences among various annuities so you can choose the kind that best fits your needs. This guide focuses on *fixed deferred* annuity contracts. There is, however, a brief description of variable annuities. If you're thinking of buying an equity-indexed annuity, an appendix to this guide will give you specific information. This Guide isn't meant to offer legal, financial or tax advice. You may want to consult independent advisors. At the end of this Guide are questions you should ask your agent or the company. Make sure you're satisfied with the answers before you buy.

WHAT IS AN ANNUITY?

An annuity is a contract in which an insurance company makes a series of income payments at regular intervals in return for a premium or premiums you have paid. Annuities are most often bought for future retirement income. Only an annuity can pay an income that can be guaranteed to last as long as you live.

An annuity is neither a life insurance nor a health insurance policy. It's not a savings account or a savings certificate. You shouldn't buy an annuity to reach short-term financial goals.

Your value in an annuity contract is the premiums you've paid, less any applicable charges, plus interest credited. The insurance company uses the value to figure the amount of most of the benefits that you can choose to receive from an annuity contract. This guide explains how interest is credited as well as some typical charges and benefits of annuity contracts.

A *deferred* annuity has two parts or *periods*. During the *accumulation period*, the money you put into the annuity, less any applicable charges, earns interest. The earnings grow tax-deferred as long as you leave them in the annuity. During the second period, called the *payout period*, the company pays income to you or to someone you choose.

WHAT ARE THE DIFFERENT KINDS OF ANNUITIES?

This guide explains major differences in different kinds of annuities to help you understand how each might meet your needs. But look at the specific terms of an individual contract you're

considering and the disclosure document you receive. If your annuity is being used to fund or provide benefits under a pension plan, the benefits you get will depend on the terms of the plan. Contact your pension plan administrator for information.

This Buyer's Guide will focus on individual fixed deferred annuities.

Single Premium or Multiple Premium

You pay the insurance company only one payment for a *single premium* annuity. You make a series of payments for a *multiple premium* annuity. There are two kinds of multiple premium annuities. One kind is a *flexible premium* contract. Within set limits, you pay as much premium as you want, whenever you want. In the other kind, a *scheduled premium* annuity, the contract spells out your payments and how often you'll make them.

Immediate or Deferred

With an *immediate* annuity, income payments start no later than one year after you pay the premium. You usually pay for an immediate annuity with one payment.

The income payments from a *deferred* annuity often start many years later. Deferred annuities have an accumulation period, which is the time between when you start paying premiums and when income payments start.

Fixed or Variable

- **Fixed**

During the accumulation period of a *fixed deferred* annuity, your money (less any applicable charges) earns interest at rates set by the insurance company or in a way spelled out in the annuity contract. The company guarantees that it will pay no less than a minimum rate of interest. During the payout period, the amount of each income payment to you is generally set when the payments start and will not change.

- **Variable**

During the accumulation period of a *variable* annuity, the insurance company puts your premiums (less any applicable charges) into a separate account. You decide how the company will invest those premiums, depending on how much risk you want to take. You may put your premium into a stock, bond or other account, with no guarantees, or into a fixed account, with a minimum guaranteed interest. During the payout period of a variable annuity, the amount of each income payment to you may be fixed (set at the beginning) or variable (changing with the value of the investments in the separate account).

HOW ARE THE INTEREST RATES SET FOR MY FIXED DEFERRED ANNUITY?

During the accumulation period, your money (less any applicable charges) earns interest at rates that change from time to time. Usually, what these rates will be is entirely up to the insurance company.

Current Interest Rate

The current rate is the rate the company decides to credit to your contract at a particular time. The company will guarantee it will not change for some time period.

- The *initial rate* is an interest rate the insurance company may credit for a set period of time after you first buy your annuity. The initial rate in some contracts may be higher than it will be later. This is often called a bonus rate.
- The *renewal rate* is the rate credited by the company after the end of the set time period. The contract tells how the company will set the renewal rate, which may be tied to an external reference or index.

Minimum Guaranteed Rate

The *minimum guaranteed interest rate* is the lowest rate your annuity will earn. This rate is stated in the contract.

Multiple Interest Rates

Some annuity contracts apply different interest rates to each premium you pay or to premiums you pay during different time periods.

Other annuity contracts may have two or more accumulated values that fund different benefit options. These accumulated values may use different interest rates. You get only one of the accumulated values depending on which benefit you choose.

WHAT CHARGES MAY BE SUBTRACTED FROM MY FIXED DEFERRED ANNUITY?

Most annuities have charges related to the cost of selling or servicing it. These charges may be subtracted directly from the contract value. Ask your agent or the company to describe the charges that apply to your annuity. Some examples of charges, fees and taxes are:

Surrender or Withdrawal Charges

If you need access to your money, you may be able to take all or part of the value out of your annuity at any time during the accumulation period. If you take out part of the value, you may pay a *withdrawal* charge. If you take out all of the value and surrender, or terminate, the annuity, you may pay a *surrender* charge. In either case, the company may figure the charge as a percentage of the

value of the contract, of the premiums you've paid or of the amount you're withdrawing. The company may reduce or even eliminate the surrender charge after you've had the contract for a stated number of years. A company may waive the surrender charge when it pays a death benefit.

Some annuities have *stated terms*. When the term is up, the contract may automatically expire or renew. You're usually given a short period of time, called a *window*, to decide if you want to renew or surrender the annuity. If you surrender during the window, you won't have to pay surrender charges. If you renew, the surrender or withdrawal charges may start over.

In some annuities, there is no charge if you surrender your contract when the company's current interest rate falls below a certain level. This may be called a *bail-out* option.

In a multiple-premium annuity, the surrender charge may apply to each premium paid for a certain period of time. This may be called a *rolling* surrender or withdrawal charge.

Some annuity contracts have a *market value adjustment* feature. If interest rates are different when you surrender your annuity than when you bought it, a market value adjustment may make the cash surrender value higher or lower. Since you and the insurance company share this risk, an annuity with a MVA feature may credit a higher rate than an annuity without that feature.

Be sure to read the Tax Treatment section and ask your tax advisor for information about possible tax penalties on withdrawals.

Free Withdrawal

Your annuity may have a limited *free withdrawal* feature. That lets you make one or more withdrawals without a charge. The size of the free withdrawal is often limited to a set percentage of your contract value. If you make a larger withdrawal, you may pay withdrawal charges. You may lose any interest above the minimum guaranteed rate on the amount withdrawn. Some annuities waive withdrawal charges in certain situations, such as death, confinement in a nursing home or terminal illness.

Contract Fee

A contract fee is a flat dollar amount charged either once or annually.

Transaction Fee

A transaction fee is a charge per premium payment or other transaction.

Percentage of Premium Charge

A percentage of premium charge is a charge deducted from each premium paid. The percentage may be lower after the contract has been in force for a certain number of years or after total premiums paid have reached a certain amount.

Premium Tax

Some states charge a tax on annuities. The insurance company pays this tax to the state. The company may subtract the amount of the tax when you pay your premium, when you withdraw your contract value, when you start to receive income payments or when it pays a death benefit to your beneficiary.

WHAT ARE SOME FIXED DEFERRED ANNUITY CONTRACT BENEFITS?

Annuity Income Payments

One of the most important benefits of deferred annuities is your ability to use the value built up during the accumulation period to give you a lump sum payment or to make income payments during the payout period. Income payments are usually made monthly but you may choose to receive them less often. The size of income payments is based on the accumulated value in your annuity and the annuity's *benefit rate* in effect when income payments start. The benefit rate usually depends on your age and sex, and the annuity payment option you choose. For example, you might choose payments that continue as long as you live, as long as your spouse lives or for a set number of years.

There is a table of guaranteed benefit rates in each annuity contract. Most companies have *current* benefit rates as well. The company can change the current rates at any time, but the current rates can never be less than the guaranteed benefit rates. When income payments start, the insurance company generally uses the benefit rate in effect at that time to figure the amount of your income payment.

Companies may offer various income payment options. You (the owner) or another person that you name may choose the option. The options are described here as if the payments are made to you.

- **Life Only** - The company pays income for your lifetime. It doesn't make any payments to anyone after you die. This payment option usually pays the highest income possible. You might choose it if you have no dependents, if you have taken care of them through other means or if the dependents have enough income of their own.
- **Life Annuity with Period Certain** - The company pays income for as long as you live and guarantees to make payments for a set number of years even if you die. This *period certain* is usually 10 or 20 years. If you live longer than the period certain, you'll continue to receive payments until you die. If you die during the period certain, your beneficiary gets regular payments for the rest of that period. If you die after the period certain, your beneficiary doesn't receive any payments from your annuity. Because the "period certain" is an added benefit, each income payment will be smaller than in a life-only option.
- **Joint and Survivor** - The company pays income as long as either you or your beneficiary lives. You may choose to decrease the amount of the payments after the first death. You may also be

able to choose to have payments continue for a set length of time. Because the *survivor* feature is an added benefit, each income payment is smaller than in a life-only option.

Death Benefit

In some annuity contracts, the company may pay a death benefit to your beneficiary if you die before the income payments start. The most common death benefit is the contract value or the premiums paid, whichever is more.

CAN MY ANNUITY'S VALUE BE DIFFERENT DEPENDING ON MY CHOICE OF BENEFIT?

While all deferred annuities offer a choice of benefits, some use different accumulated values to pay different benefits. For example, an annuity may use one value if annuity payments are for retirement benefits and a different value if the annuity is surrendered. As another example, an annuity may use one value for long-term care benefits and a different value if the annuity is surrendered. You can't receive more than one benefit at the same time.

WHAT ABOUT THE TAX TREATMENT OF ANNUITIES?

Below is a general discussion about taxes and annuities. You should consult a professional tax advisor to discuss your individual tax situation.

Under current federal law, annuities receive special tax treatment. Income tax on annuities is deferred, which means you aren't taxed on the interest your money earns while it stays in the annuity. Tax-deferred accumulation isn't the same as tax-free accumulation. An advantage of tax deferral is that the tax bracket you're in when you receive annuity income payments may be lower than the one you're in during the accumulation period. You'll also be earning interest on the amount you would have paid in taxes during the accumulation period. Most states' tax laws on annuities follow the federal law.

Part of the payments you receive from an annuity will be considered as a return of the premium you've paid. You won't have to pay taxes on that part. Another part of the payments is considered interest you've earned. You must pay taxes on the part that is considered interest when you withdraw the money. You may also have to pay a 10% tax penalty if you withdraw the accumulation before age 59 1/2. The Internal Revenue Code also has rules about distributions after the death of a contract holder.

Annuities used to fund certain employee pension benefit plans (those under Internal Revenue Code Sections 401(a), 401(k), 403(b), 457 or 414) defer taxes on plan contributions as well as on interest or investment income. Within the limits set by the law, you can use pretax dollars to make payments to the annuity. When you take money out, it will be taxed.

You can also use annuities to fund traditional and Roth IRAs under Internal Revenue Code Section 408. If you buy an annuity to fund an IRA, you'll receive a disclosure statement describing the tax treatment.

WHAT IS A "FREE LOOK" PROVISION?

Many states have laws which give you a set number of days to look at the annuity contract after you buy it. If you decide during that time that you don't want the annuity, you can return the contract and get all your money back. This is often referred to as a *free look* or *right to return* period. The free look period should be prominently stated in your contract. Be sure to read your contract carefully during the free look period.

HOW DO I KNOW IF A FIXED DEFERRED ANNUITY IS RIGHT FOR ME?

The questions listed below may help you decide which type of annuity, if any, meets your retirement planning and financial needs. You should think about what your goals are for the money you may put into the annuity. You need to think about how much risk you're willing to take with the money. Ask yourself:

- How much retirement income will I need in addition to what I will get from Social Security and my pension?
- Will I need that additional income only for myself or for myself and someone else?
- How long can I leave my money in the annuity?
- When will I need income payments?
- Does the annuity let me get money when I need it?
- Do I want a fixed annuity with a guaranteed interest rate and little or no risk of losing the principal?
- Do I want a variable annuity with the potential for higher earnings that aren't guaranteed and the possibility that I may risk losing principal?
- Or, am I somewhere in between and willing to take some risks with an equity-indexed annuity?

WHAT QUESTIONS SHOULD I ASK MY AGENT OR THE COMPANY?

- Is this a single premium or multiple premium contract?
- Is this an equity-indexed annuity?
- What is the initial interest rate and how long is it guaranteed?

- Does the initial rate include a bonus rate and how much is the bonus?
- What is the guaranteed minimum interest rate?
- What renewal rate is the company crediting on annuity contracts of the same type that were issued last year?
- Are there withdrawal or surrender charges or penalties if I want to end my contract early and take out all of my money? How much are they?
- Can I get a partial withdrawal without paying surrender or other charges or losing interest?
- Does my annuity waive withdrawal charges for reasons such as death, confinement in a nursing home or terminal illness?
- Is there a market value adjustment (MVA) provision in my annuity?
- What other charges, if any, may be deducted from my premium or contract value?
- If I pick a shorter or longer payout period or surrender the annuity, will the accumulated value or the way interest is credited change?
- Is there a death benefit? How is it set? Can it change?
- What income payment options can I choose? Once I choose a payment option, can I change it?

FINAL POINTS TO CONSIDER

Before you decide to buy an annuity, you should review the contract. Terms and conditions of each annuity contract will vary.

Ask yourself if, depending on your needs or age, this annuity is right for you. Taking money out of an annuity may mean you must pay taxes. Also, while it's sometimes possible to transfer the value of an older annuity into a new annuity, the new annuity may have a new schedule of charges that could mean new expenses you must pay directly or indirectly.

You should understand the long-term nature of your purchase. Be sure you plan to keep an annuity long enough so that the charges don't take too much of the money you put in. Be sure you understand the effect of all charges.

If you're buying an annuity to fund an IRA or other tax-deferred retirement program, be sure that you're eligible. Also, ask if there are any restrictions connected with the program.

Remember that the quality of service that you can expect from the company and the agent is a very important factor in your decision.

When you receive your annuity contract, **READ IT CAREFULLY!!** Ask the agent and company for an explanation of anything you don't understand. Do this *before* any free look period ends.

Compare information for similar contracts from several companies. Comparing products may help you make a better decision.

If you have a specific question or can't get answers you need from the agent or company, contact your state insurance department.

(B. Appendix for Equity-indexed Annuities. This paragraph sets forth supplementary information to be used in the solicitation or sale of equity-indexed annuities):

EQUITY-INDEXED ANNUITIES

This appendix to the Buyer's Guide for Fixed Deferred Annuities will focus on equity-indexed annuities. Like other types of fixed deferred annuities, equity-indexed annuities provide for annuity income payments, death benefits and tax-deferred accumulation. You should read the Buyer's Guide for general information about those features and about provisions such as withdrawal and surrender charges.

WHAT ARE EQUITY-INDEXED ANNUITIES?

An equity-indexed annuity is a fixed annuity, either immediate or deferred, that earns interest or provides benefits that are linked to an external equity reference or an equity index. The value of the index might be tied to a stock or other equity index. One of the most commonly used indices is Standard & Poor's 500 Composite Stock Price Index (the S&P 500)¹, which is an equity index. The value of any index varies from day to day and is not predictable.

When you buy an equity-indexed annuity you own an insurance contract. You are not buying shares of any stock or index.

While immediate equity-indexed annuities may be available, this appendix will focus on deferred equity-indexed annuities.

HOW ARE THEY DIFFERENT FROM OTHER FIXED ANNUITIES?

An equity-indexed annuity is different from other fixed annuities because of the way it credits interest to your annuity's value. Some fixed annuities only credit interest calculated at a rate set in the contract. Other fixed annuities also credit interest at rates set from time to time by the insurance company. Equity-indexed annuities credit interest using a formula based on changes in the index to which the annuity is linked. The formula decides how the additional interest, if any, is calculated and credited. How much additional interest you get and when you get it depends on the features of your particular annuity.

Your equity-indexed annuity, like other fixed annuities, also promises to pay a minimum interest rate. The rate that will be applied will not be less than this minimum guaranteed rate even if the index-linked interest rate is lower. The value of your annuity also will not drop below a guaranteed minimum. For example, many single premium contracts guarantee the minimum value will never be less than 90 percent of the premium paid, plus at least 3% in annual interest (less any partial withdrawals). The guaranteed value is the minimum amount available during a term for withdrawals, as well as for some annuitizations (see "Annuity Income Payments") and death

¹ S&P 500 is a registered trademark of the McGraw-Hill Companies, Inc., used with permission.

benefits. The insurance company will adjust the value of the annuity at the end of each term to reflect any index increases.

WHAT ARE SOME EQUITY-INDEXED ANNUITY CONTRACT FEATURES?

Two features that have the greatest effect on the amount of additional interest that may be credited to an equity-indexed annuity are the indexing method and the participation rate. It is important to understand the features and how they work together. The following describes some other equity-indexed annuity features that affect the index-linked formula.

Indexing Method

The indexing method means the approach used to measure the amount of change, if any, in the index. Some of the most common indexing methods, which are explained more fully later on, include annual reset (ratcheting), high-water mark and point-to-point.

Term

The index term is the period over which index-linked interest is calculated; the interest is credited to your annuity at the end of a term. Terms are generally from one to ten years, with six or seven years being most common. Some annuities offer single terms while others offer multiple, consecutive terms. If your annuity has multiple terms, there will usually be a window at the end of each term, typically 30 days, during which you may withdraw your money without penalty. For installment premium annuities, the payment of each premium may begin a new term for that premium.

Participation Rate

The participation rate decides how much of the increase in the index will be used to calculate index-linked interest. For example, if the calculated change in the index is 9% and the participation rate is 70%, the index-linked interest rate for your annuity will be 6.3% ($9\% \times 70\% = 6.3\%$). A company may set a different participation rate for newly issued annuities as often as each day. Therefore, the initial participation rate in your annuity will depend on when it is issued by the company. The company usually guarantees the participation rate for a specific period (from one year to the entire term). When that period is over, the company sets a new participation rate for the next period. Some annuities guarantee that the participation rate will never be set lower than a specified minimum or higher than a specified maximum.

Cap Rate or Cap

Some annuities may put an upper limit, or cap, on the index-linked interest rate. This is the maximum rate of interest the annuity will earn. In the example given above, if the contract has a 6% cap rate, 6%, and not 6.3%, would be credited. Not all annuities have a cap rate.

Floor on Equity Index-Linked Interest

The floor is the minimum index-linked interest rate you will earn. The most common floor is 0%. A 0% floor assures that even if the index decreases in value, the index-linked interest that you earn will be zero and not negative. As in the case of a cap, not all annuities have a stated floor on index-linked interest rates. But in all cases, your fixed annuity will have a minimum guaranteed value.

Averaging

In some annuities, the average of an index's value is used rather than the actual value of the index on a specified date. The index averaging may occur at the beginning, the end, or throughout the entire term of the annuity.

Interest Compounding

Some annuities pay simple interest during an index term. That means index-linked interest is added to your original premium amount but does not compound during the term. Others pay compound interest during a term, which means that index-linked interest that has already been credited also earns interest in the future. In either case, however, the interest earned in one term is usually compounded in the next.

Margin/Spread/Administrative Fee

In some annuities, the index-linked interest rate is computed by subtracting a specific percentage from any calculated change in the index. This percentage, sometimes referred to as the "margin," "spread," or "administrative fee," might be instead of, or in addition to, a participation rate. For example, if the calculated change in the index is 10%, your annuity might specify that 2.25% will be subtracted from the rate to determine the interest rate credited. In this example, the rate would be 7.75% ($10\% - 2.25\% = 7.75\%$). In this example, the company subtracts the percentage only if the change in the index produces a positive interest rate.

Vesting

Some annuities credit none of the index-linked interest or only part of it, if you take out all your money before the end of the term. The percentage that is vested, or credited, generally increases as the term comes closer to its end and is always 100% at the end of the term.

HOW DO THE COMMON INDEXING METHODS DIFFER?

Annual Reset

Index-linked interest, if any, is determined each year by comparing the index value at the end of the contract year with the index value at the start of the contract year. Interest is added to your annuity each year during the term.

High-Water Mark

The index-linked interest, if any, is decided by looking at the index value at various points during the term, usually the annual anniversaries of the date you bought the annuity. The interest is based on the difference between the highest index value and the index value at the start of the term. Interest is added to your annuity at the end of the term.

Low-Water Mark

The index-linked interest, if any, is determined by looking at the index value at various points during the term, usually the annual anniversaries of the date you bought the annuity. The interest is based on the difference between the index value at the end of the term and the lowest index value. Interest is added to your annuity at the end of the term.

Point-to-Point

The index-linked interest, if any, is based on the difference between the index value at the end of the term and the index value at the start of the term. Interest is added to your annuity at the end of the term.

WHAT ARE SOME OF THE FEATURES AND TRADE-OFFS OF DIFFERENT INDEXING METHODS?

Generally, equity-indexed annuities offer *preset* combinations of features. You may have to make trade-offs to get features you want in an annuity. This means the annuity you chose may also have features you don't want.

Features

Trade-Offs

Annual Reset

Since the interest earned is "locked in" annually and the index value is "reset" at the end of each year, future decreases in the index will not affect the interest you have already earned. Therefore, your annuity using the annual reset method may credit more interest than annuities using other methods when the index fluctuates up and down often during the term. This design is more likely than others to give you access to index-linked interest before the term ends.

Your annuity's participation rate may change each year and generally will be lower than that of other indexing methods. Also an annual reset design may use a cap or averaging to limit the total amount of interest you might earn each year.

High-Water Mark

Since interest is calculated using the highest value of the index on a contract anniversary during the term, this design may credit higher interest than some other designs if the index reaches a high point early or in the middle of the term, then drops off at the end of the term.

Interest is not credited until the end of the term. In some annuities, if you surrender your annuity before the end of the term, you may not get index-linked interest for that term. In other annuities, you may receive index-linked interest, based on the highest anniversary value to date and the annuity's vesting schedule. Also, contracts with this design may have a lower participation rate than annuities using other designs or may use a cap to limit the total amount of interest you might earn.

Low-Water Mark

Since interest is calculated using the lowest value of the index prior to the end of the term, this design may credit higher interest than some other designs if the index reaches a low point early or in the middle of the term and then rises at the end of the term.

Interest is not credited until the end of the term. With some annuities, if you surrender your annuity before the end of the term, you may not get index-linked interest for that term. In other annuities, you may receive index-linked interest based on a comparison of the lowest anniversary value to date with the index value at surrender and the annuity's vesting schedule. Also, contracts with this design may have a lower participation rate than annuities using other designs or may use a cap to limit the total amount of interest you might earn.

Point-to-Point

Since interest cannot be calculated before the end of the term, use of this design may permit a higher participation rate than annuities using other designs.

Since interest is not credited until the end of the term, typically six or seven years, you may not be able to get the index-linked interest until the end of the term.

WHAT IS THE IMPACT OF SOME OTHER EQUITY-INDEXED ANNUITY PRODUCT FEATURES?

Cap on Interest Earned

While a cap limits the amount of interest you might earn each year, annuities with this feature may have other product features you want, such as annual interest crediting or the ability to take partial withdrawals. Also, annuities that have a cap may have a higher participation rate.

Averaging

Averaging at the beginning of a term protects you from buying your annuity at a high point, which would reduce the amount of interest you might earn. Averaging at the end of the term protects you against severe declines in the index and losing index-linked interest as a result. On the other hand, averaging may reduce the amount of index-linked interest you earn when the index rises either near the start or at the end of the term.

Participation Rate

The participation rate may vary greatly from one annuity to another and from time to time within a particular annuity. Therefore, it is important for you to know how your annuity's participation rate works with the indexing method. A high participation rate may be offset by other features, such as simple interest, averaging, or a point-to-point indexing method. On the other hand, an insurance company may offset a lower participation rate by also offering a feature such as an annual reset indexing method.

Interest Compounding

It is important for you to know whether your annuity pays compound or simple interest during a term. While you may earn less from an annuity that pays simple interest, it may have other features you want, such as a higher participation rate.

WHAT WILL IT COST ME TO TAKE MY MONEY OUT BEFORE THE END OF THE TERM?

In addition to the information discussed in this Buyer's Guide about surrender and withdrawal charges and free withdrawals, there are additional considerations for equity-indexed annuities. Some annuities credit none of the index-linked interest or only part of it if you take out money before the end of the term. The percentage that is vested, or credited, generally increases as the term comes closer to its end and is always 100% at the end of the term.

ARE DIVIDENDS INCLUDED IN THE INDEX?

Depending on the index used, stock dividends may or may not be included in the index's value. For example, the S&P 500 is a stock price index and only considers the prices of stocks. It does not recognize any dividends paid on those stocks.

HOW DO I KNOW IF AN EQUITY-INDEXED ANNUITY IS RIGHT FOR ME?

The questions listed below may help you decide which type of annuity, if any, meets your retirement planning and financial needs. You should consider what your goals are for the money you may put into the annuity. You need to think about how much risk you're willing to take with the money. Ask yourself:

Am I interested in a variable annuity with the potential for higher earnings that are not guaranteed and willing to risk losing the principal?

Is a guaranteed interest rate more important to me, with little or no risk of losing the principal?

Or, am I somewhere in between these two extremes and willing to take some risks?

HOW DO I KNOW WHICH EQUITY-INDEXED ANNUITY IS BEST FOR ME?

As with any other insurance product, you must carefully consider your own personal situation and how you feel about the choices available. No single annuity design may have all the features you want. It is important to understand the features and trade-offs available so you can choose the annuity that is right for you. Keep in mind that it may be misleading to compare one annuity to another unless you compare all the other features of each annuity. You must decide for yourself what combination of features makes the most sense for you. Also remember that it is not possible to predict the future behavior of an index.

QUESTIONS YOU SHOULD ASK YOUR AGENT OR THE COMPANY

You should ask the following questions about equity-indexed annuities in addition to the questions in the Buyer's Guide to Fixed Deferred Annuities.

- How long is the term?
- What is the guaranteed minimum interest rate?
- What is the participation rate? For how long is the participation rate guaranteed?
- Is there a minimum participation rate?
- Does my contract have an interest rate cap? What is it?
- Does my contract have an interest rate floor? What is it?
- Is interest rate averaging used? How does it work?
- Is interest compounded during a term?
- Is there a margin, spread, or administrative fee? Is that in addition to or instead of a participation rate?
- What indexing method is used in my contract?
- What are the surrender charges or penalties if I want to end my contract early and take out all of my money?

- Can I get a partial withdrawal without paying charges or losing interest? Does my contract have vesting? If so, what is the rate of vesting?

Final Points to Consider

Remember to read your annuity contract carefully when you receive it. Ask your agent or insurance company to explain anything you don't understand. If you have a specific complaint or can't get answers you need from the agent or company, contact your state insurance department.

AUTHORITY: sections 374.040, 374.045, 375.013, 375.936(4) and 375.936(6), RSMo 2000 and 375.144, RSMo Supp. 2005. Original rule filed July 14, 2006.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held on this proposed rule at 10:00 a.m. on September 27, 2006. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to the proposed rule, until 5:00 p.m. on September 27, 2006. Written statements shall be sent to Kevin Hall, Department of Insurance, PO Box 690, Jefferson City, MO 65102.

SPECIAL NEEDS: If you have any special needs addressed by the Americans With Disabilities Act, please notify us at (573) 751-6798 or (573) 751-2619 at least five (5) working days prior to the hearing.

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety (90)-day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons,
Methods, Limits**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-7.440 is amended.

This rule establishes hunting seasons and limits and is excepted by section 536.021, RSMo from the requirement for filing as a proposed amendment.

The Department of Conservation amended 3 CSR 10-7.440 by establishing seasons and limits for hunting migratory waterfowl during the 2006–2007 seasons.

3 CSR 10-7.440 Migratory Game Birds and Waterfowl: Seasons, Limits

PURPOSE: This amendment establishes season dates and bag limits for hunting waterfowl within frameworks established by the U.S. Fish and Wildlife Service for the 2006–2007 seasons.

(1) Migratory game birds and waterfowl may be taken, possessed, transported and stored as provided in federal regulations. The head or one (1) fully feathered wing must remain attached to all waterfowl while being transported from the field to one's home or a commercial preservation facility. Seasons and limits are as follows:

(E) Blue-winged, green-winged and cinnamon teal may be taken from sunrise to sunset from September 9 through September 24. Limits: four (4) teal in the aggregate of species daily; eight (8) in possession.

SUMMARY OF PUBLIC COMMENTS: Seasons and limits are excepted from the requirement of filing as a proposed amendment under section 536.021, RSMo.

This amendment filed July 14, 2006, effective **August 1, 2006**.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 250—Missouri Real Estate Commission
Chapter 3—Applications for License; License
Examinations**

ORDER OF RULEMAKING

By the authority vested in the Missouri Real Estate Commission under sections 339.090 and 339.120, RSMo Supp. 2005, the board amends a rule as follows:

4 CSR 250-3.010 Applications for License is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 1, 2006 (31 MoReg 672–674). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 250—Missouri Real Estate Commission
Chapter 3—Applications for License; License
Examinations**

ORDER OF RULEMAKING

By the authority vested in the Missouri Real Estate Commission under sections 339.090 and 339.120, RSMo Supp. 2005, the board amends a rule as follows:

4 CSR 250-3.020 License Examinations is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 1, 2006 (31 MoReg 675). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 250—Missouri Real Estate Commission
Chapter 5—Fees**

ORDER OF RULEMAKING

By the authority vested in the Missouri Real Estate Commission under sections 339.090 and 339.120, RSMo Supp. 2005 and 620.140.2, RSMo 2000, the board amends a rule as follows:

4 CSR 250-5.030 Miscellaneous Fees is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 1, 2006 (31 MoReg 675-677). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 250—Missouri Real Estate Commission
Chapter 5—Fees**

ORDER OF RULEMAKING

By the authority vested in the Missouri Real Estate Commission under sections 339.090 and 339.120, RSMo Supp. 2005, the board adopts a rule as follows:

**4 CSR 250-5.040 Application Fees for School Accreditation
and Course Approval is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 1, 2006 (31 MoReg 678). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 250—Missouri Real Estate Commission
Chapter 6—Educational Requirements**

ORDER OF RULEMAKING

By the authority vested in the Missouri Real Estate Commission under section 339.120, RSMo Supp. 2005, the board rescinds a rule as follows:

4 CSR 250-6.010 Course of Study Required is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2006 (31 MoReg 678). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 250—Missouri Real Estate Commission
Chapter 6—Educational Requirements**

ORDER OF RULEMAKING

By the authority vested in the Missouri Real Estate Commission under section 339.120, RSMo Supp. 2005, the board rescinds a rule as follows:

4 CSR 250-6.020 Content of Prelicense Courses is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2006 (31 MoReg 678). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 250—Missouri Real Estate Commission
Chapter 6—Educational Requirements**

ORDER OF RULEMAKING

By the authority vested in the Missouri Real Estate Commission under section 339.120, RSMo Supp. 2005, the board rescinds a rule as follows:

4 CSR 250-6.040 General is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2006 (31 MoReg 678-679). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 250—Missouri Real Estate Commission
Chapter 6—Educational Requirements**

ORDER OF RULEMAKING

By the authority vested in the Missouri Real Estate Commission under section 339.120, RSMo Supp. 2005, the board rescinds a rule as follows:

4 CSR 250-6.050 Correspondence Courses is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2006 (31 MoReg 679). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 250—Missouri Real Estate Commission
Chapter 6—Educational Requirements**

ORDER OF RULEMAKING

By the authority vested in the Missouri Real Estate Commission under sections 339.090 and 339.120, RSMo Supp. 2005, the board adopts a rule as follows:

**4 CSR 250-6.060 Content of Salesperson and Broker
Pre-Examination Courses and the Missouri Real Estate
Practice Course is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 1, 2006 (31 MoReg 679–681). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 250—Missouri Real Estate Commission
Chapter 7—Schools**

ORDER OF RULEMAKING

By the authority vested in the Missouri Real Estate Commission under sections 339.045, RSMo 2000 and 339.090 and 339.120, RSMo Supp. 2005, the board rescinds a rule as follows:

4 CSR 250-7.010 Standards for Accreditation is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2006 (31 MoReg 682). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 250—Missouri Real Estate Commission
Chapter 7—Schools**

ORDER OF RULEMAKING

By the authority vested in the Missouri Real Estate Commission under sections 339.045, RSMo 2000 and 339.090 and 339.120, RSMo Supp. 2005, the board adopts a rule as follows:

**4 CSR 250-7.010 Standards for Real Estate School
Accreditation and Renewal is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 1, 2006 (31 MoReg 682–685). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 250—Missouri Real Estate Commission
Chapter 7—Schools**

ORDER OF RULEMAKING

By the authority vested in the Missouri Real Estate Commission under section 339.120, RSMo Supp. 2005, the board rescinds a rule as follows:

4 CSR 250-7.020 Application for Accreditation is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2006 (31 MoReg 686). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 250—Missouri Real Estate Commission
Chapter 7—Schools**

ORDER OF RULEMAKING

By the authority vested in the Missouri Real Estate Commission under sections 339.045, RSMo 2000 and 339.090 and 339.120, RSMo Supp. 2005, the board adopts a rule as follows:

4 CSR 250-7.020 Application for Accreditation is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 1, 2006 (31 MoReg 686–690). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 250—Missouri Real Estate Commission
Chapter 7—Schools**

ORDER OF RULEMAKING

By the authority vested in the Missouri Real Estate Commission under section 339.120, RSMo Supp. 2005, the board rescinds a rule as follows:

4 CSR 250-7.030 Correspondence Courses is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2006 (31 MoReg 691). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 250—Missouri Real Estate Commission
Chapter 7—Schools**

ORDER OF RULEMAKING

By the authority vested in the Missouri Real Estate Commission under section 339.120, RSMo Supp. 2005, the board rescinds a rule as follows:

4 CSR 250-7.040 Accreditation; Renewals; Fees is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2006 (31 MoReg 691). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 250—Missouri Real Estate Commission
Chapter 7—Schools**

ORDER OF RULEMAKING

By the authority vested in the Missouri Real Estate Commission under sections 339.090 and 339.120, RSMo Supp. 2005, the board rescinds a rule as follows:

**4 CSR 250-7.050 Prohibition of Advertising or Solicitation
is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2006 (31 MoReg 691). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 250—Missouri Real Estate Commission
Chapter 7—Schools**

ORDER OF RULEMAKING

By the authority vested in the Missouri Real Estate Commission under sections 339.090 and 339.120, RSMo Supp. 2005, the board adopts a rule as follows:

4 CSR 250-7.060 Instructor Standards is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 1, 2006 (31 MoReg 691–692). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 250—Missouri Real Estate Commission
Chapter 7—Schools**

ORDER OF RULEMAKING

By the authority vested in the Missouri Real Estate Commission under sections 339.045, RSMo 2000 and 339.090 and 339.120, RSMo Supp. 2005, the board adopts a rule as follows:

4 CSR 250-7.070 General Requirements is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 1, 2006 (31 MoReg 692–693). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 250—Missouri Real Estate Commission
Chapter 7—Schools**

ORDER OF RULEMAKING

By the authority vested in the Missouri Real Estate Commission under sections 339.045, RSMo 2000 and 339.120, RSMo Supp. 2005, the board adopts a rule as follows:

**4 CSR 250-7.080 Additional Requirements for Approved Schools
Offering Distance Delivered Courses is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 1, 2006 (31 MoReg 693–695). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 250—Missouri Real Estate Commission
Chapter 7—Schools**

ORDER OF RULEMAKING

By the authority vested in the Missouri Real Estate Commission under sections 339.045, RSMo 2000 and 339.090 and 339.120, RSMo Supp. 2005, the board adopts a rule as follows:

**4 CSR 250-7.090 Investigation and Review of Accredited Schools
and Approved Courses is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 1, 2006 (31 MoReg 696–697). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 250—Missouri Real Estate Commission
Chapter 10—Continuing Education**

ORDER OF RULEMAKING

By the authority vested in the Missouri Real Estate Commission under sections 339.040 and 339.120, RSMo Supp. 2005 and 339.045, RSMo 2000, the board rescinds a rule as follows:

4 CSR 250-10.010 Requirements is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2006 (31 MoReg 698). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 250—Missouri Real Estate Commission
Chapter 10—Continuing Education**

ORDER OF RULEMAKING

By the authority vested in the Missouri Real Estate Commission under sections 339.040 and 339.120, RSMo Supp. 2005 and 339.045, RSMo 2000, the board rescinds a rule as follows:

4 CSR 250-10.020 Sponsors is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2006 (31 MoReg 698). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 250—Missouri Real Estate Commission
Chapter 10—Continuing Education**

ORDER OF RULEMAKING

By the authority vested in the Missouri Real Estate Commission under sections 339.040 and 339.120, RSMo Supp. 2005 and 339.045, RSMo 2000, the board rescinds a rule as follows:

4 CSR 250-10.030 Classroom Course Approval is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2006 (31 MoReg 698). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 250—Missouri Real Estate Commission
Chapter 10—Continuing Education**

ORDER OF RULEMAKING

By the authority vested in the Missouri Real Estate Commission under sections 339.040 and 339.120, RSMo Supp. 2005 and 339.045, RSMo 2000, the board rescinds a rule as follows:

**4 CSR 250-10.040 Classroom Course Instructor Approval
is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2006 (31 MoReg 698–699). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 250—Missouri Real Estate Commission
Chapter 10—Continuing Education**

ORDER OF RULEMAKING

By the authority vested in the Missouri Real Estate Commission under sections 339.040 and 339.120, RSMo Supp. 2005 and 339.045, RSMo 2000, the board rescinds a rule as follows:

**4 CSR 250-10.050 Physical Facilities for Classroom Courses
is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2006 (31 MoReg 699). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 250—Missouri Real Estate Commission
Chapter 10—Continuing Education**

ORDER OF RULEMAKING

By the authority vested in the Missouri Real Estate Commission under sections 339.040 and 339.120, RSMo Supp. 2005 and 339.045, RSMo 2000, the board rescinds a rule as follows:

4 CSR 250-10.060 Advertising is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2006 (31 MoReg 699). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 250—Missouri Real Estate Commission
Chapter 10—Continuing Education**

ORDER OF RULEMAKING

By the authority vested in the Missouri Real Estate Commission under sections 339.040 and 339.120, RSMo Supp. 2005 and 339.045, RSMo 2000, the board rescinds a rule as follows:

4 CSR 250-10.070 Records is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2006 (31 MoReg 699). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 250—Missouri Real Estate Commission
Chapter 10—Continuing Education**

ORDER OF RULEMAKING

By the authority vested in the Missouri Real Estate Commission under section 339.120, RSMo Supp. 2005, the board rescinds a rule as follows:

4 CSR 250-10.075 Individual Study Courses **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2006 (31 MoReg 699–700). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 250—Missouri Real Estate Commission
Chapter 10—Continuing Education**

ORDER OF RULEMAKING

By the authority vested in the Missouri Real Estate Commission under sections 339.040 and 339.120, RSMo Supp. 2005 and 339.045, RSMo 2000, the board rescinds a rule as follows:

4 CSR 250-10.080 Investigation and Review **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2006 (31 MoReg 700). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 250—Missouri Real Estate Commission
Chapter 10—Continuing Education**

ORDER OF RULEMAKING

By the authority vested in the Missouri Real Estate Commission under sections 339.045, RSMo 2000 and 339.090 and 339.120, RSMo Supp. 2005, the board adopts a rule as follows:

4 CSR 250-10.100 Continuing Education Requirements for Licensees **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 1, 2006 (31 MoReg 700–703). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes

effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 40—Family Support Division
Chapter 110—Fees**

ORDER OF RULEMAKING

By the authority vested in the Department of Social Services, Family Support Division under section 454.400.2(5), RSMo 2000, the division withdraws a rule as follows:

13 CSR 40-110.030 Annual Fee for Successful Support Collections **is withdrawn**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 1, 2006 (31 MoReg 731–733). This proposed rule is withdrawn.

SUMMARY OF COMMENTS: No comments were received.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 54—Exemptions and Federal Covered Securities**

ORDER OF RULEMAKING

By the authority vested in the commissioner of securities under section 409.2-201 and 409.6-605, RSMo Supp. 2005, the commissioner amends a rule as follows:

15 CSR 30-54.070 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 1, 2006 (31 MoReg 734). The section with changes is reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Securities staff noted that the statement where the policy could be obtained was omitted.

RESPONSE AND EXPLANATION OF CHANGE: Statement is being entered.

15 CSR 30-54.070 Not-for-Profit Securities

(2) The following statements of policy are hereby incorporated by reference:

(B) Church Extension Funds as amended and published by NASAA on April 18, 2004. A copy of this policy can be obtained from NASAA, 750 First Street, NE, Suite 1140, Washington, DC 20002, and is available online at <http://www.nasaa.org/content/files/Church%5FExtension%5FFund%5FSecurities.pdf>. This rule does not incorporate any subsequent amendments or additions.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 20—Division of Community and Public Health
Chapter 20—Communicable Diseases**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Health and Senior Services under sections 192.006 and 260.203, RSMo

2000 and 192.020, RSMo Supp. 2005, the director amends a rule as follows:

19 CSR 20-20.010 Definitions Relating to Communicable, Environmental and Occupational Diseases **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 15, 2006 (31 MoReg 478–480). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES**

**Division 20—Division of Community and Public Health
Chapter 20—Communicable Diseases**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Health and Senior Services under sections 192.006 and 260.203, RSMo 2000 and 192.020, RSMo Supp. 2005, the director amends a rule as follows:

19 CSR 20-20.020 Reporting Communicable, Environmental and Occupational Diseases **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 15, 2006 (31 MoReg 480–487). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: One comment was received.

COMMENT: The Missouri Department of Agriculture, Plant Industries asked how we defined T-2 mycotoxins.

RESPONSE: This rule is related to human infections only and they would not be impacted. No changes have been made to the rule as a result of this comment.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES**

**Division 20—Division of Community and Public Health
Chapter 20—Communicable Diseases**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Health and Senior Services under sections 192.006 and 260.203, RSMo 2000 and 192.060, RSMo Supp. 2005, the director amends a rule as follows:

19 CSR 20-20.080 Duties of Laboratories **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 15, 2006 (31 MoReg 488). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: One comment was received.

COMMENT: Labcorp—Kansas City commented that since they send the annual antibiogram report to the facility, couldn't the facility, rather than the laboratory, send the department a copy.

RESPONSE: MDHSS does not concur. The law requires all laboratories to report the annual antibiogram directly to the state. No changes have been made to the rule as a result of this comment.

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs and other items required to be published in the *Missouri Register* by law.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and
Transportation Commission
Chapter 25—Motor Carrier Operations**

IN ADDITION

7 CSR 10-25.010 Skill Performance Evaluation Certificates for Commercial Drivers

PUBLIC NOTICE

Public Notice and Request for Comments on Applications for Issuance of Skill Performance Evaluation Certificates to Intrastate Commercial Drivers with Diabetes Mellitus or Impaired Vision

SUMMARY: This notice publishes MoDOT's receipt of applications for the issuance of Skill Performance Evaluation (SPE) Certificates, from individuals who do not meet the physical qualification requirements in the Federal Motor Carrier Safety Regulations for drivers of commercial motor vehicles in Missouri intrastate commerce, because of impaired vision, or an established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control. If granted, the SPE Certificates will authorize these individuals to qualify as drivers of commercial motor vehicles (CMVs), in intrastate commerce only, without meeting the vision standard prescribed in 49 CFR 391.41(b)(10), if applicable, or the diabetes standard prescribed in 49 CFR 391.41(b)(3).

DATES: Comments must be received at the address stated below, on or before September 15, 2006.

ADDRESSES: You may submit comments concerning an applicant, identified by the Application Number stated below, by any of the following methods:

- E-mail:** Kathy.Hatfield@modot.mo.gov
- Mail:** PO Box 893, Jefferson City, MO 65102-0893
- Hand Delivery:** 1320 Creek Trail Drive, Jefferson City, MO 65109
- Instructions:** All comments submitted must include the agency name and Application Number for this public notice. For detailed instructions on submitting comments, see the Public Participation heading of the Supplementary Information section of this notice. All comments received will be open and available for public inspection and MoDOT may publish those comments by any available means.

**COMMENTS RECEIVED
BECOME MoDOT PUBLIC RECORD**

- By submitting any comments to MoDOT, the person authorizes MoDOT to publish those comments by any available means.
- Docket:** For access to the department's file, to read background documents or comments received, 1320 Creek Trail Drive, Jefferson City, MO 65109, between 7:30 a.m. and 4 p.m., Monday through Friday, except state holidays.

FOR FURTHER INFORMATION CONTACT: Ms. Kathy Hatfield, Motor Carrier Specialist, (573) 522-9001, MoDOT Motor Carrier Services Division, PO Box 893, Jefferson City, MO 65102-0893. Office hours are from 7:30 a.m. to 4:00 p.m., CT, Monday through Friday, except state holidays.

SUPPLEMENTARY INFORMATION:

Public Participation

If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard.

Background

The individuals listed in this notice have recently filed applications requesting MoDOT to issue SPE Certificates to exempt them from the physical qualification requirements relating to vision in 49 CFR 391.41(b)(10), or to diabetes in 49 CFR 391.41(b)(3), which otherwise apply to drivers of CMVs in Missouri intrastate commerce.

Under section 622.555, *Missouri Revised Statutes* (RSMo) Supp. 2005, MoDOT may issue a Skill Performance Evaluation Certificate, for not more than a two (2)-year period, if it finds that the applicant has the ability, while operating CMVs, to maintain a level of safety that is equivalent to or greater than the driver qualification standards of 49 CFR 391.41. Upon application, MoDOT may renew an exemption upon expiration.

Accordingly, the agency will evaluate the qualifications of each applicant to determine whether issuing a SPE Certificate will comply with the statutory requirements and will achieve the required level of safety. If granted, the SPE Certificate is only applicable to intrastate transportation wholly within Missouri.

Qualifications of Applicants

Application # MP060531024

Applicant's Name & Age: Johnny R. Witt, 49

Relevant Physical Condition: Mr. Witt's best-corrected visual acuity in his right eye is 20/20 Snellen and in his left eye is 20/40 Snellen with a small visual field deficiency resolving from a blood vessel occlusion and a mild impairment of stereo vision. This impairment occurred in June 2006.

Relevant Driving Experience: Mr. Witt has driven over 28 years and has been employed as truck driver for APAC since 1998. He has been employed and doing the same type of driving for various companies conducting the same type of business as APAC, as the company has changed management over the years. He has driven tractor-trailers, and dump trucks, both automatic and manual with and without air brakes. He currently has a Class A CDL. Drives personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination in June 2006, his ophthalmologist certified, "In my medical opinion, Mr. Witt's visual deficiency is stable and he is capable of performing the driving tasks required to operate a commercial motor vehicle, and that his condition will not adversely affect his ability to operate a commercial motor vehicle safely."

Traffic Accidents and Violations: No accidents or violations within the past 3 years.

Application # MP080503037

Applicant's Name & Age: Daniel J. Noonan, 38

Relevant Physical Condition: Mr. Noonan's best corrected visual acuity in his left eye is 20/400 Snellen, and in his right eye is 20/20 Snellen. His vision impairment in the left eye developed during childhood. Mr. Noonan also has diabetes mellitus and has been on insulin for the past 20 years.

Relevant Driving Experience: Employed by Interstate Brands Corporation as a route delivery driver. He drives a delivery step van and has been employed with Interstate Brands since 1995. Drives personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination in April 2006, his optometrist certified, "In my medical opinion, Mr. Noonan's visual deficiency is stable and has sufficient vision to perform the driving tasks required to operate a commercial motor vehicle, and that his condition will not adversely affect his ability to operate a commercial motor vehicle safely." Also, following an examination in March 2006, his endocrinologist certified, "In my medical opinion, Mr. Noonan's diabetes deficiency is stable and he is capable of performing the driving tasks required to operate a commercial motor vehicle, and that his condition will not adversely affect his ability to operate a commercial motor vehicle safely."

Traffic Accidents and Violations: No accidents or violations within the past 3 years.

Request for Comments

The Missouri Department of Transportation, Motor Carrier Services Division, pursuant to section 622.555, RSMo, and rule 7 CSR 10-25.010, requests public comment from all interested persons on the applications for issuance of Skill Performance Evaluation Certificates described in this notice. We will consider all comments received before the close of business on the closing date indicated earlier in this notice.

Issued on: August 15, 2006

Jan Skouby, Motor Carrier Services Director, Missouri Department of Transportation.

#3959 HS: Saint Louis University Hospital
St. Louis (St. Louis County)
\$6,365,000, Acquire cyberknife

#3965 HS: Barnes-Jewish Hospital
St. Louis (St. Louis City)
\$19,600,000, Acquire proton beam therapy system

Any person wishing to request a public hearing for the purpose of commenting on these applications must submit a written request to this effect, which must be received by August 9, 2006. All written requests and comments should be sent to:

Chairman
Missouri Health Facilities Review Committee
c/o Certificate of Need Program
Post Office Box 570
Jefferson City, MO 65102

For additional information contact
Donna Schuessler, (573) 751-6403.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES Division 60—Missouri Health Facilities Review Committee Chapter 50—Certificate of Need Program

APPLICATION REVIEW SCHEDULE

The Missouri Health Facilities Review Committee has initiated review of the applications listed below. A decision is tentatively scheduled for September 18, 2006. These applications are available for public inspection at the address shown below:

Date Filed

Project Number: Project Name
City (County)
Cost, Description

07/06/06

#3925 FS: Kansas City Cancer Center
Kansas City (Platte County)
\$1,948,695, Replace linear accelerator

#3960 HS: St. John's Mercy Hospital
Washington (Franklin County)
\$1,876,645, Acquire second magnetic resonance imager

#3961 HS: St. John's Mercy Medical Center
St. Louis (St. Louis County)
\$1,549,500, Acquire seventh computerized tomography scanner

#3963 HS: St. John's Mercy Medical Center
St. Louis (St. Louis County)
\$4,428,000, Acquire second linear accelerator

07/07/06

#3964 HS: St. Joseph Medical Center
Kansas City (Jackson County)
\$2,006,176, Acquire second electrophysiology laboratory

Construction Transient Employers

The following is a list of all construction contractors performing work on construction projects in Missouri who are known by the Department of Revenue to be transient employers pursuant to Section 285.230, RSMo. This list is provided as a guideline to assist public bodies with their responsibilities under this section that states, "any county, city, town, village or any other political subdivision which requires a building permit for a person to perform certain construction projects shall require a transient employer to show proof that the employer has been issued a tax clearance and has filed a financial assurance instrument as required by Section 285.230 before such entity issues a building permit to the transient employer."

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
9 MILE BORING & TRENCHING INC	6436 VISTA DR	SHAWNEE	KS	66218
A FISCHER BUILDERS INC	814 OHIO ST	QUINCY	IL	62301
AC LEADBETTER & SON INC	110 ARCO DR	TOLEDO	OH	43615
ACCEPTANCE CAPITAL MORTGAGE CORPORATION	15812 E INDIANA AVE	SPOKANE VALLEY	WA	99208
ACI MECHANICAL CORPORATION	3116 SOUTH DUFF AVE	AMES	IA	50010
ACI MECHANICAL INC	3116 S DUFF AVE	AMES	IA	50010
ADAMSON CONSTRUCTION CO	1526 HORSE CREEK RD	CHEYENNE	WY	82009
ADECCO USA INC	175 BROAD HOLLOW RD	MELVILLE	NY	11747
ADUDELL ROOFING & SHEET METAL INC	14220 S MERIDIAN	OKLAHOMA	OK	73173
ADVANCED PROTECTIVE COATING INC	2530 BAYARD ST	KANSAS CITY	KS	66105
ADVANTAGE PROFESSIONAL OF PHOENIX LLC	1995 WEHRLE DR	WILLIAMSVILLE	NY	14221
AEI INC	735 GLASER PKWY	AKORN	OH	44306
AERIAL SOLUTIONS INC	7074 RAMSEY FORD ROAD	TABOR CITY	NC	28463
AIDE INC	2510 WADE HAMPTON BLVD	GREENVILLE	SC	29608
AJILÓN PROFESSIONAL STAFFING LLC	175 BROAD HOLLOW RD	MELVILLE	NY	11747
AKERMAN CONSTRUCTION CO INC	2915 SH 74 SOUTH	PURCELL	OK	73080
AKI CONTROL SYSTEMS INC	P O BOX 444	WALLER	TX	77484
ALLIANCE ENTERPRISES INC	5421 PENINSULA DR S E	OLYMPIA	WA	98513
ALLIANCE INTEGRATED SYSTEMS INC	1500 STUDEMONT	HOUSTON	TX	77007
ALLIED STEEL CONSTRUCTION CO LLC	2211 NW FIRST TERRACE	OKLAHOMA CITY	OK	73107
ALLIED UNIKING CORPORATION INC	4750 CROMWELL AVE	MEMPHIS	TN	38118
ALLSTATE SPECIALTY CONSTRUCTION INC	32700 W 256TH ST	PAOLA	KS	66071
ALVAREZ ENVIRONMENTAL LLC	4631 INVERNESS DR	POST FALLS	ID	83854
AMERICAN CIVIL CONSTRUCTORS INC	4901 S WINDERMERE ST	LITTLETON	CO	80120
AMERICAN DIGITAL SYSTEMS/FIBRACOM	1725 W RENO AVE	BROKEN ARROW	OK	74012
AMERICAN MASONRY CO	1816 W EDCLID	PITTSBURG	KS	66762
AMERICASDOCTOR.COM COORDINATORS SERVICES INC	3315 S 23RD STR 108	TACOMA	WA	98405
ANDERSEN TRENCHING & EXCAVATING INC	17263 SUMAC RD	HONEY CREEK	IA	51542
ANTIGO CONSTRUCTION INC	2520 N CLERMONT ST	ANTIGO	WI	54409
ARCHITECTURAL GLAZING PROFESSIONALS	11655 CLARE RD	OLATHE	KS	66061
ARCHITECTURAL WALL SYSTEMS CO	3000 30TH ST	DES MOINES	IA	50319
ARGUSS COMMUNICATIONS GROUP INC	DOVER RD	EPSOM	NH	03234
ARKA TEX REMODELING INC	8100 COLONEL GLENN RD	LITTLE ROCK	AR	72204

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
ARKANSAS CONTRACTORS	1308 CHURCH	BARLING	AR	72952
ARNOLD & MADSON INC	1295 CENTURY AVE SO	WOODBURY	MN	55125
ARR ROOFING LLC	8909 WASHINGTON ST	OMAHA	NE	68127
ARROWHEAD SERVICES INC	12920 METCALF STE 150	OVERLAND PARK	KS	66213
ASBESTOS REMOVAL COMPANY	6361 NE 14TH STREET	DES MOINES	IA	50313
ASPHALT STONE COMPANY	520 N WEBSTER	JACKSONVILLE	IL	62650
ATWOOD ELECTRIC INC	23124 HIGHWAY 149	SIGOURNEY	IA	52591
AUGERS UNLIMITED INC	11933 KAW DRIVE	KANSAS CITY	KS	66111
AUREUS RADIOLOGY LLC	11825 Q ST	OMAHA	NE	68137
AUTRY CONSTRUCTION INC	140 E 3RD	BAXTER SPRINGS	KS	66713
B & B CONTRACTORS INC	13745 SEMINOLE DR	CHINO	CA	91710
B & B PERMASTORE INC	6750 W 75TH STE 1A	OVERLAND PARK	KS	66204
B & D ELECTRIC INC	P O BOX 43	STAMPS	AR	71860
B & K MANAGEMENT INC	545 J ST	LINCOLN	NE	68508
BALL CONSTRUCTION INC	13922 WEST 108TH ST	LENEXA	KS	66215
BANKERS EDGE	1288 VALLEY FORGE STE 50	VALLEY FORGE	PA	19482
BARNESOD INC	2002 CEDAR CREST	ARKANSAS CITY	KS	67005
BARROWS EXCAVATION INC	49 COUNTY RD #404	BERRYVILLE	AR	72616
BARTLETT NUCLEAR INC	60 INDUSTRIAL PARK RD	PLYMOUTH	MA	02360
BAXTER KENWORTHY ELECTRIC INC	4800 S 78TH CIRCLE	OMAHA	NE	68127
BAZIN EXCAVATING INC	20160 W 191ST	SPRINGHILL	KS	66083
BE & K ENGINEERING COMPANY	2000 INTERNATIONAL PK DR	BIRMINGHAM	AL	35243
BEL CLAIR ELECTRIC INC	912 S BELT W	BELLEVILLE	IL	62220
BENCHMARK INC	6065 HUNTINGTON CT NE	CEDAR RAPIDS	IA	52402
BERBERICH TRAHAN & CO PA	3830 SW BURLINGAME ROAD	TOPEKA	KS	66611
BERNIE JANNING TERRAZZO & TILE INC	17508 HWY 71	CARROLL	IA	51401
BEW CONSTRUCTION CO INC	1319 MAIN ST	WOODWARD	OK	73801
BIGGE CRANE AND RIGGING CO	10700 BIGGE AVE	SAN LEANDRO	CA	94577
BILL DAVIS ROOFING LC	628 VERMONT	LAWRENCE	KS	66044
BISON ELECTRIC INC	12037 E PINE ST	TULSA	OK	74116
BIVOUAC ENGINEERING & SERVICE CO LLC	588 MEADOW LANE	MARION	OH	43302
BJ ERECTION CORPORATION	16626 MILES AVE	CLEVELAND	OH	44128
BLAHNIK CONSTRUCTION CO	150 50TH AVE DR SW	CEDAR RAPIDS	IA	52404
BLAZE MECHANICAL INC	15755 S 189 HWY STE E	OLATHE	KS	66062
BLICKS CONSTRUCTION CO INC	LOCK & DAM RD	QUINCY	IL	62301
BOB FLORENCE CONTRACTOR INC	1934 S KANSAS AVE	TOPEKA	KS	66612
BONNEVILLE CONSTRUCTION CO INC	5005 E CAREY AVE	LAS VEGAS	NV	89115
BOYTER INSULATION SERVICE INC	801 MERCURY AVE	DUNCANVILLE	TX	75137
BRADEN CONSTRUCTION SERVICES INC	5110 N MINGO RD	TULSA	OK	74117
BRB CONTRACTORS INC	400 W CURTIS	TOPEKA	KS	66608
BROWNING WELDING SERVICE INC	163 SHAW BRIDGE ROAD	GREENBRIER	AR	72058
BRUCE TRUCKING AND EXCAVATING INC	4401 HWY 162	GRANITE CITY	IL	62040

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
BRYAN POWELL DRYWALL INC	4330 PARKER LN	TEXARKANA	AR	71854
BUILDER SERVICES GROUP INC	2339 BEVILLE RD	DAYTONA BEACH	FL	32119
BUILDINGS INC	235 SOUTH 40TH	SPRINGDALE	AR	72765
BUILT WELL CONSTRUCTION CO	MAIN ST HWY 279 S	HIMASSE	AR	72739
C & C CONTRACTING INC	222 SOUTH SECOND ST	ORLEANS	IN	47452
CIBER & SONS INC	3212 N MAIN	EAST PEORIA	IL	61611
CARNEY DEMOLITION	303 S HALSTED	CHICAGO	IL	60661
CARTER MOORE INC	1865 E MAIN ST STE F	DUNCAN	SC	29334
CAS CONSTRUCTION INC	501 NE BURGESS	TOPEKA	KS	66608
CASE FOUNDATION CO	1325 W LAKE ST	ROSELLE	IL	60172
CASHATT & SONS CORP	BOX 74	RED OAK	IA	51566
CASYSYSTEMS INTERNATIONAL INC	8300 COLESVILLE RD 700	SILVER SPRING	MD	20910
CBS CONSTRUCTORS	204 E 1ST	MODOOK	NE	69001
CCC GROUP INC	5797 DIETRICH RD	SAN ANTONIO	TX	78219
CD SMITH CONSTRUCTION INC	689 EAST JOHNSON ST	FOND DU LAC	WI	54935
CDK SKANSKA INC	600 S HUTTON RD	FARMINGTON	NM	87401
CELLXION WIRELESS SERVICES LLC	5031 HAZEL JONES RD	BOSSIER CITY	LA	71111
CENTRAL FOUNDATION INC	915 MARION RD S	CENTRAL CITY	IA	52214
CENTRAL ILLINOIS TILE CO	3302 N MATTIS AVE	CHAMPAIGN	IL	61821
CENTRAL SEAL COMPANY	P O BOX 490	QANVILLE	KY	40422
CENTRAL STATES CONTRACTING SERVICES	610 S 78TH ST	KANSAS CITY	KS	66111
CENTURY BUILDERS INC	11250 CHARLES RD	HOUSTON	TX	77041
CENTURY MECHANICAL CONTRACTORS INC	15480 S 168 HWY	OLATHE	KS	66051
CHAMPION EXPOSITION SERVICES	139 CAMPANELLI DRIVE	MIDDLEBORO	MA	02346
CHANCE CONSTRUCTION CO	ITALY & BARBER ST	HEMPHILL	TX	75949
CHASE CONTRACTORS INC	800 W 35TH PARKWAY	CHANUTE	KS	66720
CHESTER PHILLIPS CONSTRUCTION COMPANY	1501 N UNIVERSITY STE 740	LITTLE ROCK	AR	72207
CHRIS GEORGE HOMES INC	2111 E SANTA FE #112	OLATHE	KS	66062
CHRISTIE DIGITAL SYSTEMS USA INC	10550 CAMDEN DRIVE	CYPRESS	CA	90630
CLIFFORD LEE & ASSOCIATES	292 MELVIN HARRIS RD	MANCHESTER	GA	31816
COAST TO COAST BUILDERS INC	750 E FUNSTON	WICHITA	KS	67211
COASTAL GUNITE CONSTRUCTION CO	16 WASHINGTON ST	CAMBRIDGE	MD	21613
COLE RAYWID & BRAVERMAN LLP	1919 PENNSYLVANIA AVE NW	WASHINGTON	DC	20006
COLLECTOR WELLS INTERNATIONAL INC	6360 HUNTLEY RD	COLUMBUS	OH	43229
COMMERCIAL CONTRACTING CO OF SAN AN	5797 DIETRICH RD	SAN ANTONIO	TX	78219
COMMERCIAL CONTRACTORS INC	729 LINCOLN AVE	HOLLAND	MI	49423
COMO TECH INSPECTIONS INC	40 DEEP CREEK RD	MANHATTAN	KS	66502
CONCO INC	3030 ALL HALLOWS	WICHITA	KS	67217
CONEL INC	13235 CHANDLER ROAD STE B	OMAHA	NE	68138
CONLEY SPRINKLER INC	922 MAIN	PLEASANTON	KS	68075
CONSTRUCTION MANAGEMENT INC	108 JACKMAN ST	GEORGETOWN	MA	01833
CONSTRUCTORS INC	6225 CHOCTAW DR	BATON ROUGE	LA	70805

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
CONTRACT DEWATERING SERVICES INC	5820 W RIVERSIDE DR	SARANAC	MI	49881
CONTROL INSTALLATIONS OF IOWA INC	8200 THORNTON AVE STE 190	DES MOINES	IA	50321
COOPERS STEEL FABRICATORS	PO BOX 149	SHELBYVILLE	TN	37162
CORNERSTONE COMMERCIAL CONTRACTORS	1260 JERICO	CORNING	IA	50841
CORONA POWER SERVICES INC	5220 MINOLA DR	LITHONIA	GA	30038
CORONADO INC	1835 WALL ST	SALINA	KS	67401
COST OF WISCONSIN INC	4201 HWY P	JACKSON	WI	53037
COWARTS CONSTRUCTION COMPANY INC	223 AIRPORT RD	SALEM	AR	72576
CRANE CONSTRUCTION COMPANY LLC	343 WAINWRIGHT DR	NORTHBROOK	IL	60062
CREEK ELECTRIC INC	2811 W PAWNEE ST	WICHITA	KS	67213
CROWN CORR INC	7100 W 21ST AVE	GARY	IN	46406
CUNNINGHAM INC	112 8TH AVENUE W	OSKALOOSA	IA	52577
CUST O FAB FIELD SERVICE LLC	1900 N 161ST E AVE	TULSA	OK	74116
CUSTOMER CARE SOLUTIONS	1 IRVINGTON CTR 700 KING	ROCKVILLE	MD	20850
D & D PIPELINE CONSTRUCTION CO INC	4700 W HWY 117	SAPULPA	OK	74066
DALRYMPLE & CO	3675 S MOLAND RD STE 102	INDEPENDENCE	MO	64055
DANNYS CONSTRUCTION CO INCORPORATED	1066 WEST THIRD AVENUE	SHAKOPEE	MN	55379
DARDEN GLOBE REEDER INC	8601 I STREET	OMAHA	NE	68127
DAVID A NICE BUILDERS INC	4571 WARE CREEK ROAD	WILLIAMSBURG	VA	23188
DAVIS ELECTRICAL CONSTRUCTORS INC	429 N MAIN ST	GREENVILLE	SC	29602
DCG PETERSON BROTHERS COMPANY	5005 S HWY 71	SIOUX RAPIDS	IA	50585
DDD COMPANY	8000 CORPORATE DR STE 100	LANDOVER	MD	20785
DEAN STEEL ERECTION COMPANY INC	5366 N VALLEY PIKE	HARRISONBURG	VA	22803
DEJAGER CONSTRUCTION	75 60TH ST SW	WYOMING	WY	49508
DELPHI AUTOMOTIVE SYSTEMS HUMAN RESOURCES LLC	P O BOX 5086	TROY	MI	48007
DENISON DRYWALL CONTRACTING INC	2307 HWY 30 EAST	DENISON	IA	51442
DIAMOND CONSTRUCTION COMPANY	2000 N 18TH ST	QUINCY	IL	62301
DIAMOND SURFACE INC	13792 REIMER DR N	MAPLE GROVE	MN	55311
DIG AMERICA UTILITY CONTRACTING INC	806 25TH AVE SO STE 202	ST CLOUD	MN	56301
DIMENSIONAL TECHNOLOGY INC	6717 LINDEN LN	HUNTLEY	IL	60142
DIVINE INC	2310 REFUGEE RD	COLUMBUS	OH	43207
DL SMITH ELECTRICAL CONSTRUCTION INC	1405 SW 41ST ST	TOPEKA	KS	66609
DOBSON DAVIS COMPANY	8521 RICHARDS RD	LENEXA	KS	66215
DOMÉ CORPORATION OF NORTH AMERICA	5450 EAST ST	SAGINAW	MI	48601
DON BELL HOMES INC	11599 N RIDGEVIEW	OLATHE	KS	68061
DOSTER CONSTRUCTION CO INC	2100 INTERNATIONAL PARK D	BIRMINGHAM	AL	35243
DOUBLE O MASONRY INC	722 S 260TH ST	PITTSBURG	KS	66762
DUSTROL INC	GEN OEL	EL DORADO	KS	67042
DW PROEHL CONSTRUCTION INC	818 N HELEN AVE	SIOUX FALLS	SD	57104
E ROBERTS ALLEY & ASSOCIATES INC	300 10TH AVE S	NASHVILLE	TN	37203
ERO PLUS CONSTRUCTORS LLC	600 BASSETT ST	DEFOREST	WI	53532

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
ECONOMY ELECTRICAL CONTRACTORS	101 CENTURY 21 DR #204	JACKSONVILLE	FL	32218
EDWARD KRAEMER & SONS INC	ONE PLAINVIEW RD	PLAIN	WI	53577
ELECTRICAL CONTROLS & SYSTEMS INC	P O BOX 100816	BIRMINGHAM	AL	35210
ELECTRICAL LINE SERVICES INC	14200 S TULSA DR	OKLAHOMA CITY	OK	73170
ELLIOTT ELECTRICAL INC	P O BOX 1039	BENTON	AR	72015
ELLIS MOTOR FREIGHT LLC	74 ABEL DRIVE	GUTTENBERG	IA	52052
EMCO CHEMICAL DISTRIBUTORS INC	2100 COMMONWEALTH AVE	NORTH CHICAGO	IL	60064
EMPLOYEE RESOURCE ADMINISTRATION LP	12400 CONT RD #1030	DALLAS	TX	75251
ENERGY DELIVERY SERVICES INC	3909 W FIFTH ST	CHEYENNE	WY	82003
ENERGY SYSTEMS GROUP LLC	4655 ROSEBUD LANE	NEWBURGH	IN	47630
EQUUS METALS	1415 S JOPLIN AVE	TULSA	OK	74112
ERVIN CABLE CONSTRUCTION INC	260 N LINCOLN BLVD E	SHAWNEETOWN	IL	62964
EYCO NATIONAL INC	339 OLD ST LOUIS RD	WOOD RIVER	IL	62085
EXXEL PACIFIC INC	323A TELEGRAPH RD	BELLINGHAM	WA	98226
F&F CONSTRUCTION INC	7377 OLD ALEXANDRIA FERRY	CLINTON	MD	20735
FABCON INCORPORATED	6111 WEST HIGHWAY 13	SAVAGE	MN	55378
FABCON LLC	3400 JACKSON PIKE	GROVE CITY	OH	43123
FALCON ELECTRIC INC	100 NORTH FIRST ST	CLARKSBURG	WV	26301
FARBEE MECHANICAL INC	P O BOX 1748	HICKMAN	NE	68372
FAYETTEVILLE PLUMBING & HEATING CO INC	P O BOX 1061	FAYETTEVILLE	AR	72702
FEDERAL FIRE PROTECTION INC	805 SECRETARY DR STE A	ARLINGTON	TX	76015
F&W GROUP INC	905 W MITCHELL	ARLINGTON	TX	76013
FOLTZ CONSTRUCTION INC	BOX 38	PATOKA	IL	62875
FOLTZ WELDING PIPELINE MAINTENANCE	501 E CLINTON AVE	PATOKA	IL	62875
FORD CONTRACTING CORP	1307 E COURT ST	DYERSBURG	TN	38024
FOUNDATION FENCE INC	320 SOUTHLAND RD	BURNET	TX	78611
FREENEN INC	316 S PEARL	BLUFFS	IL	62521
GALACTIC TECHNOLOGIES INC	400 N LOOP 1804 E STE 210	SAN ANTONIO	TX	78232
GAMMA CONSTRUCTION COMPANY	2808 JOANEL	HOUSTON	TX	77027
GARY SANDERS MASONRY	109 AVE F	WEST POINT	IA	52656
GEISSLER ROOFING CO INC	612 S 3RD ST	BELLEVILLE	IL	62220
GENE FRITZEL CONSTRUCTION COMPANY I	843 MASSACHUSETTS STE 300	LAWRENCE	KS	66044
GENE FRITZEL CONSTRUCTION SERVICES	628 VERMONT	LAWRENCE	KS	66044
GEOPIER FOUNDATION CO MIDWEST	8336 HICKMAN STE 203	DES MOINES	IA	50322
GEOTECH SERVICES INC	350 GOLDEN OAK PARKWAY	OAKWOOD VILLAGE	OH	44146
GFV CONSTRUCTION CO	4535 MEADOWVIEW DR	LAKELAND	FL	33810
GLEESON CONSTRUCTORS INC	2015 E 7TH ST	SIOUX CITY	IA	51105
GLENN H JOHNSON CONSTRUCTION CO	2521 GROSS POINT RD	EVANSTON	IL	60201
GLOBAL INDUSTRIAL INC	19801 EAST 6TH ST	TULSA	OK	74108
GOERLICH ROOFING INC	4480 HARRISON	QUINCY	IL	62309
GORDON'S ENHANCED TECHNOLOGY MARKETING INC	4500 RATLIFF LN #108	ADDISON	TX	75001

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GRABER AGRI-BUILDERS INC	CO RD 450 E BOX 436A	MONTGOMERY	IN	47558
GRAHAM CONSTRUCTION COMPANY	506 LOCUST ST	DES MOINES	IA	50309
GRAZZINI BROS COMPANY	620 16TH AVE S	MINNEAPOLIS	MN	55454
GUS CONST CO INC	608 ANTIQUE COUNTRY DR	CASEY	IA	50048
H & H SYSTEMS & DESIGN INC	130 EAST MAIN ST	NEW ALBANY	IN	47150
H & M CONSTRUCTION CO INC	50 SECURITY DR	JACKSON	TN	38305
HAGEMANN CONSTRUCTION INC	21518 OLD COACH RD	ELKHORN	NE	68022
HARBERT YEARGIN INC	106 EDINBURGH CR	GREENVILLE	SC	29607
HARDAWAY CONSTRUCTION CORP OF TENNE	615 MAIN STREET	NASHVILLE	TN	37206
HARMAN & SON CONSTRUCTION INC	1810 B EIGHTH AVE	FORT WORTH	TX	76110
HARNISS ROOFING INC	P O BOX 1382	HARRISON	AR	72601
HART PAINTING	2555 SW 50	OKLAHOMA CITY	OK	73119
HASTCO INC	813 GRAHAM	EMPORIA	KS	66801
HC BECK LTD	1820 MARKET ST FL 3	ST LOUIS	MO	63103
HEALTHLINE INC	2600 N CENTRAL AVE #1700	PHOENIX	AZ	85004
HEBER E COSTELLO INC	609 COSTELLO ROAD	OAK GROVE	LA	71263
HENDERSON ENGINEERS INC	8325 LENEXA DR STE 400	LENEXA	KS	66214
HENNING CONSTRUCTION COMPANY	5870 MERLE HAY RD	JOHNSTON	IA	50131
HERITAGE HOUSING DEVELOPMENT INC	16133 VENTURA BLVD #965	ENCINO	CA	91438
HERMAN STEWART CONSTRUCTION & DEVEL	4550 FORBES BLVD	LANHAM	MD	20706
HINRICHS GROUP INC THE	141 MARKET PL DR STE 105	FAIRVIEW HEIGHTS	IL	62209
HOFFMANN INC	6001 49TH ST S	MUSCATINE	IA	52761
HOGUE HORN & PASHMAN INC	922 MISSOURI	LAWRENCE	KS	66044
HOLIAN ASSOSTS RMVL & ENCPSLTN CORP	7504 MEYER RD	SPRING GROVE	IL	60081
HOLLIS ROOFING INC	P O BOX 2229	COLUMBUS	MS	39704
HOOPER CORPORATION	P O BOX 7455	MADISON	WI	53707
HORIZON GENERAL CONTRACTORS INC	7315 W ELIZABETH LN	FT WORTH	TX	76116
HORIZON GROUP INC	1325 N E BOND ST	PEORIA	IL	61603
HORIZONTAL BORING & TUNNELING CO	505 S RIVER AVE	EXETER	NE	68351
HOSPITALITY BUILDERS INC	4222 HWY 52	META	MO	65058
HUFF SEALING CORPORATION	HWY 15E	ALBION	IL	62806
HUTTON CONTRACTING CO INC	HWY 50	LINN	MO	65051
HUXTABLE KC SERVICE INC	16210 W 108TH	LENEXA	KS	66219
HY VEE WEITZ CONSTRUCTION LC	1501 50TH ST BLDG 1 #325	WEST DES MOINES	IA	50266
ILLINI MECHANICAL INC	1024 LOWRY	PITTSFIELD	IL	62363
INDUSTRIAL POWER & PROCESS CORP	P O BOX 38995	GREENSBORO	NC	27438
INDUSTRIAL PROCESS TECHNOLOGY INC	2213 7TH AVE N	FARGO	ND	58108
INDUSTRY SERVICES CO INC	5550 TODD ACRES DR	MOBILE	AL	36619
INGRAM CONSTRUCTION COMPANY INC OF	173 HOY RD	MADISON	MS	39110
INSTITUTE OF NUCLEAR POWER OPERATIONS	700 GALLERIA PKWY	ATLANTA	GA	30339
INTEC SERVICES INC	454 LINK LN	FT COLLINS	CO	80522
INTERIOR SYSTEMS INC	5446 W STATE STREET	BOISE	ID	83703

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INTERNATIONAL INDUSTRIAL CONTRACTING CORPORATION	35909 MAHOUND RD	STERLING HEIGHTS	KS	48310
INTERSTATES CONSTRUCTION SERVICES INCORPORATED	1520 INDUSTRIAL PARK	SIOUX CENTER	IA	51250
INTL BROTHERHOOD OF ELECTRICAL WORK	106 N MONROE ST	WEST FRANKFORT	IL	62896
IRBY CONSTRUCTION CO	817 S STATE ST	JACKSON	MS	39201
IVEY MECHANICAL CO A PARTNERSHIP	514 NORTH WELLS ST	KUSCIUSKO	MS	39090
J & J CONSTRUCTION & SUPPLY INC	1136 W KANSAS	MCPHERSON	KS	67460
J & J MAINTENANCE INC	3755 CAPITAL OF TX HWY 5	AUSTIN	TX	78704
JA FIELDEN CO INC	530 W FIFTH AVE	KNOXVILLE	TN	37917
JD FRANKS INC	1602 S BELTINE ROAD	DALLAS	TX	75253
JEN MECHANICAL INC	803 HOPP HOLLOW DR	ALTON	IL	62002
JESCO INC	2020 MCCULLOUGH BLVD	TUPELO	MS	38801
JF BRENNAN CO INC	820 BAINBRIDGE ST	LA CROSSE	WI	54603
JM MECHANICAL LLC	3885 NORTH HWY 91	HYDE PARK	UT	84318
JMC CONSTRUCTION INC	9893 UNIVERSITY DR STE 119	MCKINNEY	TX	75070
JOHANSEN DRAINAGE & TILE	RT 1 BOX 152	RUFLO	ME	68431
JOHN A PAPALAS & CO	1187 EMPIRE	LINCOLN PARK	MI	48146
JOHN E GREEN COMPANY	220 VICTOR AVE	HIGHLAND PARK	MI	48203
JOHN T JONES CONSTRUCTION CO	2213 7TH AVE NORTH	FARGO	ND	58106
JOHNSON CONSTRUCTION SERVICES INC	402 E MAIN ST	ATTICA	IN	47918
JOHNSON INDUSTRIAL SERVICES INC	200 BENTLEY CIR	SHELBY	AL	35143
JOLLEY CONSTRUCTION COMPANY	6146 LEE HWY STE 200	CHATTANOOGA	TN	37421
JOMAX CONSTRUCTION COMPANY INC	S 281 HWY	GREAT BEND	KS	67530
JONES HYDROBLAST INC	P O BOX 309	ROYALTON	IL	62983
JULIAN CONSTRUCTION COMPANY	15321 W 110TH ST	LENEXA	KS	66219
KANE FIRE PROTECTION INC	170 E ALTON AVE	EAST ALTON AVE	IL	62024
KANSAS BUILDING SYSTEMS INC	1701 SW 41ST	TOPEKA	KS	66609
KASBOHM CUSTOM DRILLING INC	11404 OAKTON RD	SAVANNAH	IL	61074
KEARNEY & SON CONSTRUCTION INC	2500 NORTH 7TH ST	LAWRENCE	KS	66044
KEARNEY ELECTRIC INC	3809 E SUPERIOR AVE	PHOENIX	AZ	85040
KEELEY & SONS INC	5 LOISEL VILLAGE SHOP CTR	EAST ST LOUIS	IL	62203
KEITH AUSTIN	3001 WEDDINGTON DR #106	FAYETTEVILLE	AR	72701
KELLEY DEWATERING & CONSTRUCTION CO	5175 CLAY AVENUE SW	WYOMING	MI	49548
KENJURA TILE INC	BOX 158	BRENHAM	TX	77834
KEOKUK CONTRACTORS INC	853 JOHNSON ST RD	KEOKUK	IA	52532
KESSLER CONSTRUCTION INC	13402 W 92ND ST	LENEXA	KS	66215
KG MOATS & SONS	8515 US HWY 53	EMMETT	KS	66422
KGL ASSOCIATES INC	759 ADAMS ST	DENVER	CO	80206
KILIAN CORPORATION THE	608 S INDEPENDENCE	MASCOUTAH	IL	62258
KINLEY CONSTRUCTION COMPANY	201 N UNION ST BNK RM 502	OLEAN	NY	14760
KINLEY CONSTRUCTION GROUP LP	4025 WOODLAND PK BLVD 410	ARLINGTON	TX	78013
KLINE CONSTRUCTION CORPORATION	9385 HAMILTON DR	MENTOR	OH	44060

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KWICKERBOCKER CONSTRUCTION INC	4823 LAKEWOOD DR	NORWALK	IA	50211
KNIGHT TRENCHING & EXCAVATING INC	14168 SANTA FE TRAIL DR	LENEXA	KS	66215
KNK TELECOM LLC	308 WEST ELM STREET	OLATHE	KS	66061
KOSS CONSTRUCTION CO	4090 WESTOWN PKWY STE B	W DES MOINES	IA	50286
KUHLMAN REFRIGERATION INC	N58W16865 RIDGEWOOD 100	MENOMONEE FALLS	WI	53061
KURISU INTERNATIONAL INC	11125 SW BARBUR BL	PORTLAND	OR	97219
L & L INSULATION & SUPPLY CO	3870 B PAULE AVE	ST LOUIS COUNTY	MO	63125
LAKE CONTRACTING INC	4650 STONE CHURCH RD	ADDIEVILLE	IL	02214
LAKEVIEW CONSTRUCTION OF WISCONSIN	10505 CORPORATE DR #200	PLEASANT PRAIRI	WI	53158
LARRY COX CONSTRUCTION	50 FORT COX RD	HEBER SPRINGS	AR	72543
LARSON CONTRACTING INC	508 WEST MAIN STREET	LAKE MILLS	IA	50450
LAW CO INC	345 RIVERVIEW ST	WICHITA	KS	67203
LEMAR CONSTRUCTION	2829 BRADY ST	DAVENPORT	IA	52803
LH SOWLES CO	2813 BRYANT AVE S	MINNEAPOLIS	MN	55408
LIMBAUGH CONSTRUCTION CO INC	4188 HWY 182	GRANITE CITY	IL	62040
LIN R ROGERS ELECTRICAL CONTRACTORS	2056 MARCONI DR STE 200	ALPHARETTA	GA	30005
LINAWEAVER CONSTRUCTION INC	719 GILMAN RD	LANSING	KS	66043
LITTLE ROCK ELECTRICAL CONTRACTORS	13008 LAWSON RD	LITTLE ROCK	AR	72210
LITTON ENTERPRISES INC	600 HALFWAY RD	MARION	IL	62559
LONGAN CONSTRUCTION COMPANY	1635 US HWY 59 N	GROVE	OK	74344
LPR CONSTRUCTION CO	1171 DES MOINES AVE	LOVELAND	CO	80537
LUNDA CONSTRUCTION CO	620 GEBHARDT RD	BLACK RIVER FALL	WI	54615
M A MORTENSON CO	700 MEADOW LN N	MINNEAPOLIS	MN	55422
MAGUIRE IRON INC	300 W WALNUT BOX 1446	SIOUX FALLS	SD	57101
MCBRIDE ELECTRIC INC	3215 E 9TH N	WICHITA	KS	67208
MCGARTIN MECHANICAL CONTRACTOR INC	2999 PARKWAY DR	DECATUR	IL	62526
MCCLAIR ELECTRICAL CONTRACTOR INC	2912 N SHIELDS BLVD	MOORE	OK	73160
MCKITTRICK CONSTRUCTION	13263 BLUEJACKET	OVERLAND PARK	KS	66225
MCMASTER CONSTRUCTION INC	138 NE 48TH	OKLAHOMA CITY	OK	73105
MCPHERSON WRECKING INC	2333 BARTON RD	GRANTVILLE	KS	68429
MDS BUILDERS INC	5455 N FEDERAL HWY	BOCA RATON	FL	33487
MEADOWS CONSTRUCTION CO INC	1014 FRONT ST	TONGANOXIE	KS	66086
MERIT GENERAL CONTRACTORS INC	950 KANSAS AVE	KANSAS CITY	KS	66105
METROPOLITAN PAVEMENT SPECIALISTS LLC	14012 GILES RD	OMAHA	NE	68138
MEYERS TURF FARMS INC	19055 METCALF	STILWELL	KS	66085
MICHAEL CONSTRUCTION CO INC	SECONDARY RT 79 BOX 143	DRY BRANCH	WV	25061
MICRO PAVERS INC	127 FAUBER RD	E PEORIA	IL	61611
MID AMERICA ROOFING CONSTRUCTION &	1036 N 68 HWY	FRONTENAC	KS	66763
MID AMERICA SERVICES INC	3981 STATE RT 3 NORTH	CHESTER	IL	62233
MID STATES ELECTRIC CO INC	P O BOX 156	S SIOUX CITY	NE	68776
MIDWEST CONSTRUCTION SYSTEMS INC	100 MAIN ST STE 504	LITTLE ROCK	AR	72201
MIDWEST PUMP & EQUIPMENT CO	2300 S 7TH ST	LINCOLN	NE	68502

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MILENDER WHITE CONSTRUCTION CO	1503 BIG PINEY RD # 1018	FORT LEONARD WOOD	MO	65473
MILLENNIUM BROKERAGE GROUP	611 COMMERCE ST S-2600	NASHVILLE	TN	37203
MILLER INSULATION CO INC	US HWY 65 & MO HWY 127	MALTA BEND	MO	65339
MILLER THE DRILLER	5125 E UNIVERSITY	DES MOINES	IA	50317
MILLERS PRO CUT	6410 W 72ND TERR	OVERLAND PARK	KS	66204
MILLS ELECTRICAL CONTRACTORS	2535 WALNUT HILL LN	DALLAS	TX	75229
MISSION TO THE AMERICAS	2530 WASHINGTON ST	DENVER	CO	80205
MJM SERVICES INC	207 N 48TH ST	BELLEVILLE	IL	62223
MK MECHANICAL CORPORATION	9041 EXECUTIVE PARK #117	KNOXVILLE	TN	37923
MORRISSEY CONTRACTING CO	705 SOUTHMOOR PL	GOOFREY	IL	62035
MOUNTAIN MECHANICAL CONTRACTORS INC	903 S SCHOOL	FAYETTEVILLE	AR	72701
MOWERY BACKHOE & TRENCHER SERVICE	25374 TONGANOXIE RD	LEAVENWORTH	KS	66048
MULANAX ELECTRIC INC	404 W DORCUS ST	ROLAND	OK	74954
MULTIMAX INC	1441 MCCORMACK DR	LARGO	MD	20774
MULTIPLE CONCRETE ENTERPRISES	1680 W 1000 N	LAYTON	UT	84041
MURPHY & SONS ROOFING	1010 NORTH 54TH ST	KANSAS CITY	KS	66102
MUSE EXCAVATION & CONSTRUCTION CO	504 S 8TH ST	ELWOOD	KS	66024
MYLES LORENTZ INC	48822 OLD RIVER BLUFF RD	ST PETER	MN	58082
NATIONAL ABATEMENT CORPORATION	3080 N CENTER RD	FLINT	MI	48519
NATIONAL CONSTRUCTION SERVICES INC	520 LANCASTER AVE	FRAZER	PA	19355
NEBRASKA MIDWEST CONSTRUCTION COMPA	406 N 22ND ST	NEBRASKA CITY	NE	68410
NELSON INDUSTRIAL SERVICES INC	6021 MELROSE LN	OKLAHOMA CITY	OK	73127
NES TRAFFIC SAFETY LP	8770 W BRYN MAWR 4TH FLR	CHICAGO	IL	60631
NEW DIMENSION INC	631 E BIG BEAVER #109	TROY	MI	48063
NHC CONSTRUCTION LLC	5960 DEARBORN STE 15	MISSION	KS	66202
NO FAULT INDUSTRIES INC	15556 PERKINS RD	BATON ROUGE	LA	70810
NORTH COAST 88 INC	170 EAST MAIN ST	NORWALK	OH	44857
NORTH MISSISSIPPI CONVEYOR COMPANY INC	HWY 7S LAFAYETTE CO RD370	OXFORD	MS	38655
NORTHLAND CONTRACTING INC	HIGHWAY 2 EAST	SHEVLIN	AR	72701
NORTHWEST ENERGY SYSTEMS INC	315 S GREGG ST	FAYETTEVILLE	AR	72701
NUTRINET SYSTEMS INC	515 5TH ST	HUDDSON	IA	50543
ODONNELL & SONS CONSTRUCTION CO INC	15301 BROADMOOR ST	OVERLAND PARK	KS	66223
OMEGA INSURANCE SERVICES INC	100 1ST AVE SOUTH STE 530	ST PETERSBURG	FL	33701
OMNI ENGINEERING INC	14012 GILES RD	OMAHA	NE	68138
P & P CONSTRUCTION CO	1132 E LINCOLN ST	RIVERTON	IL	62561
PAIGE TECHNOLOGIES LLC	5305 PIN OAK LAND	SEDALIA	MO	65301
PEAKS LANDING SUPPLY COMPANY DBA WYATT INC	4545 CAMPBELLS RUN RD	PITTSBURGH	PA	15205
PETERSON CONSTRUCTION	1929 W 2ND ST	WEBSTER CITY	IA	50596
PETERSON CONTRACTORS INC	104 BLACKHAWK ST	REINBECK	IA	50869
PETTUS PLUMBING & PIPING INC	P O BOX 3237	MUSCLE SHOALS	AL	35662
PHARMANET INC	504 CARNEGIE CENTER	PRINCETON	NJ	08540
PHILLIPS & JORDAN INC	6621 WILBANKS RD	KNOXVILLE	TN	37912

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PIKE ELECTRIC INC	100 PIKE WAY	MOUNT AIRY	NC	27030
PINNACLE CONSTRUCTION INC	203 N CHESTNUT ST	GLENWOOD	IA	51534
PIONEER GROUP INC	8600 JUNIPER LANE	PRAIRIE VILLAGE	KS	66207
PITTSBURG TANK & TOWER CO INC	515 PENNEL ST	HENDERSON	KY	42420
PLOWMAN CONSTRUCTION COMPANY INC	905 E PARK ST	OLATHE	KS	66061
PLUM RHINO CONSULTING LLC	1010 HUNTCLIFF STE 135D	ATLANTA	GA	30350
PRANGER ENTERPRISES INC	101 W STATE ROAD 4	HUDSON	IN	46747
PRECAST ERECTORS INC	3500 VALLEY VISTA DR	HURST	TX	76053
PRECISION CASEWORK & TRIM INC	816 SE 83RD ST	OKLAHOMA CITY	OK	73149
PRIMARY RESIDENTIAL MORTGAGE INC	829 E CAVENDISH CIRCLE	SANDY	UT	84094
PROGRESSIVE CONTRACTORS INC	14123 42ND ST NE	ST MICHAEL	NY	55376
PULTE PAYROLL CORPORATION	100 BLOOMFIELD HILLS #300	BLOOMFIELD HILLS	MI	48034
PYRAMID CONTRACTORS INC	891 W IRONWOOD RD	OLATHE	KS	66061
PYRAMID ELECTRICAL CONTRACTORS INC	300 MONTICELLO PLACE	FAIRVIEW HEIGHTS	IL	62208
QUALITY AWNING & CONSTRUCTION CO	7937 SCHAEFER RD	DEARBORN	MI	48126
QUALITY TRANSPORTATION SERVICES INC	5220 S CAMERON ST	LAS VEGAS	NV	89118
QUOVAOX INC	6400 S FIDDLERS GREEN CIR	ENGLEWOOD	CO	80111
R & R ELECTRIC INC	HWY 75 N PO BOX 181	BRECKENRIDGE	MN	56520
RIZOKAITIS CONSTRUCTION INC	14817 GRANT ST	OMAHA	NE	68116
R MESSNER CONSTRUCTION CO INC	3595 N WEBB RD #500	WICHITA	KS	67226
RADIOLOGY STAFFING INC	13705 B ST	OMAHA	NE	68144
RCS CONSTRUCTION INC	197 OLD ST LOUIS RD	WOOD RIVER	IL	62095
RDC MANUFACTURING INC	200 LUKKEN INDUSTRIAL DR	LA GRANGE	GA	30240
REASONS CONSTRUCTION COMPANY INC	3825 EAST END DR	HUMBOLDT	TN	38343
REDNOUR STEEL ERECTORS INC	HWY 150	CUTLER	IL	62238
REED CONSTRUCTION DATA INC	275 WASHINGTON ST	NEWTON	MA	02458
RENIER CONSTRUCTION CORPORATION	2164 CITY GATE DRIVE	COLUMBUS	OH	43219
RESERV CONSTRUCTION CO INC	7101 SHARONDALE CT #200	BRENTWOOD	TN	37027
RETAIL CONSTRUCTION SERVICES INC	11343 39TH ST N	ST PAUL	MN	55042
RETAIL PLANNING & CONSTRUCTION INC	735 BIRCH AVE	BENSALEM	PA	19020
RETAIL STOREFRONT GROUP INC	419 MIAMI AVE	LEEDS	AL	35094
RFB CONSTRUCTION CO INC	565 E 520TH AVE	PITTSBURGH	KS	66762
RJ PITCHER INC	4575 BUCKLEY RD	LIVERPOOL	NY	13088
RMP INC	1120 W 247TH	BUCYRUS	KS	66013
ROBERT W BRITZ PAINTING COMPANY INC	14272 FRAZEE RD	DIVERNON	IL	62530
ROOF USA LLC	3761 EAST LAKE RD	DUNKIRK	NY	14048
ROSE LAN CONTRACTORS INC	620 CHEYENNE AVE	KANSAS CITY	KS	66106
ROYAL ELECTRIC CONSTRUCTION INC	7905 MONTICELLO RD	SHAWNEE MISSION	KS	66203
RUFF MASONRY CONSTRUCTION CO	1501 N 18TH STREET	QUINCY	IL	62301
RUSSELL CONSTRUCTION CO	3032 A NORTH FRAZIER ST	CONROE	TX	77303
RUSSIAN CONCRETE CONSTRUCTION	1133 S 205TH	PITTSBURG	KS	66782
S A COMUNALE CO INC	2900 NEWPARK DR	BARBERTON	OH	44203

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S G CONSTRUCTION COMPANY	2850 MT PLEASANT ST	BURLINGTON	IA	52601
SA SMITH ELECTRIC INC	525 JERSEY ST	QUINCY	IL	62301
SAGEZ CONSTRUCTION INC	HC61 BOX 17	HARDIN	IL	62047
SCHIJPPS LINE CONSTRUCTION INC	10 PETRA LANE	ALBANY	NY	12205
SCI GENERAL CONTRACTORS INC	4530 BARKSDALE BLVD STE C	BOSSIER CITY	LA	71112
SERRAULT SERVICES OF KANSAS INC	7625 LAKESIDE AVE	MANHATTEN	KS	66502
SERVICEMASTER DESIGN BUILD LLC	8615 FREEPORT PKWY S-100	IRVING	TX	75063
SGT LTD I	3407 TORREY RD	FLINT	MI	48507
SHAMBURG UNLIMITED LLC	3244 SE STANLEY RD	TECUMSEH	KS	66542
SHAWNEE MISSION TREE SERVICE INC	8250 COLE PKWY	SHAWNEE MSN	KS	66227
SHILOH STEEL FABRICATORS INC	200 EAST HWY 264	SPRINGDALE	AR	72764
SKYLIGHT MANUFACTURING INC	1208 ALDINE MAIL RD	HOUSTON	TX	77039
SLUDGE TECHNOLOGY INC	8101 W 33RD STREET S	MUSKOGEE	OK	74401
SNEEL NORTHCUTT ELECTRIC INC	P O BOX 24601	LITTLE ROCK	AR	72221
SOONER BUILDERS & INVESTMENTS INC	26005 E ADMIRAL	CATOOSA	OK	74015
SOUTHEAST DIRECTIONAL DRILLING LLC	2323 S HARDY DRIVE	TEMPE	AZ	85282
SPARKS & WIEWEL CONSTRUCTION CO	6200 BRADWAY	QUINCY	IL	62301
SPARROW PLUMBING & HEATING INC	313 DELAWARE	QUINCY	IL	62301
SPARTAN CONSTRUCTORS LLC	2100 DRAYTON RD	DRAYTON	SC	29333
SPINIELLO LIMITED INC	35 AIRPORT RD	MORRISTOWN	NJ	07962
SPORTEXE CONSTRUCTION SERVICES INC	1809 MERRITTVILLE FONTHIL	ONT CAN LOS 1ER	ON	99999
STELLAR GROUP INC	2900 HARTLEY RD	JACKSONVILLE	FL	32257
STERLING BOILER & MECHANICAL INC	1420 KIMBER LANE	EVANSVILLE	IN	47715
STILL CONSTRUCTION CO INC	PO BOX 70	LEAD HILL	AR	72644
STILL CONTRACTORS LLC	15740 S MAHAFFIE ST	OLATHE	KS	66062
STORY ENTERPRISES INC	7735 WASHINGTON AVE STE G	KANSAS CITY	KS	66112
STOVALL CONSTRUCTION INC	740B US HWY 287	ARLINGTON	TX	76001
STRAUB CONSTRUCTION CO INC	7775 MEADOW VIEW DR	SHAWNEE	KS	66227
STREAM WORKS INC	5455 TUP LANE	LINCOLN	MT	59639
STREICHER EXCAVATING INC	1718 EAST BREMER AVE	WAVERTLY	IA	50677
STRINGER CONSTRUCTION COMPANY INC	6141 LUCILE AVE	SHAWNEE	KS	66203
STUEVE CONSTRUCTION COMPANY	2201 E OAK ST	ALGONA	IA	50511
SKINCON INC	#2 TERMINAL DR STE 17A	EAST ALTON	IL	62002
SUNDSTROMS PIT PUMPING LLC	310 CEDAR STREET	COLFAX	WI	54730
SUNLAND CONSTRUCTION INC	HWY 13 SOUTH	ELUNICE	LA	70535
SUPERIOR FLOORS INC	3225 N PROSPECT RD	PEORIA	IL	61603
SURFACE PREPARATION TECHNOLOGIES INC	81 TEXADO ROAD	MECHANICSBURG	PA	17055
SURVEYS LAND & CONSTRUCTION INC	111 WEST NORTH MAIN	ELLSWORTH	KS	67439
SW FRANKS CONSTRUCTION CO	2670 WEST 3RD ST	CLEVELAND	OH	44113
SW HUFFMAN CONSTRUCTION INC	PO BOX 39	OTTUMWA	IA	52501
SWANSTON EQUIPMENT COMPANY	3404 MAIN AVE	FARGO	ND	58103
SWORD CONSTRUCTION LLC	1701 NORTHPARK DR STE B	KINGWOOD	TX	77339

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
SYSTEMS INTEGRATION & DEVELOPMENT INC	15200 SHADY GROVE RD	ROCKVILLE	MD	20850
TANCO ENGINEERING INCORPORATED	1030 BOSTON AVE	LONGMONT	CO	80501
TECH BUILDERS INC	410 DOWNTOWN PLZ	FAIRMONT	MN	56001
TEFCO INC	11022 SAWMILL RD	ELBERFELD	IN	47813
TENOCH CONSTRUCTION INC	6216 MISSION RD	FAIRWAY	KS	66205
TERRA ENGINEERING & CONSTRUCTION CORPORATION	2201 VONDRON RD	MADISON	WI	53718
TESSIERS INC	218 E 1ST	MITCHELL	SD	57301
TEXAS COMMERCIAL FENCE INC	320 SOUTHLAND DR	BURNET	TX	78611
TEXAS STONE & TILE INC	2583 LOMBARDY LN	DALLAS	TX	75220
THIENS CONSTRUCTION CO INC	P O BOX 386	EDWARDSVILLE	IL	62025
THOMAS L BEAR CONSTRUCTION INC	14758 202ND ST	BLOOMFIELD	IA	52537
THOMPSON ELECTRIC COMPANY OF OMAHA	P O BOX 207	SIOUX CITY	IA	51102
TIC THE INDUSTRIAL COMPANY	40185 ROUTE COUNTY RD 129	STEAMBOAT SPRGS	CO	80477
TITAN CONTRACTING & LEASING CO INC	2205 RAGU DRIVE	OWENSBORO	KY	42302
TMI COATINGS INC	2805 DODD RD	EAGAN	MN	55121
TNT CONSTRUCTION CO INC	144 EASY ST	CAROL STREAM	IL	60188
TOMTO CONSTRUCTION INC	HWY 10 W 78TH ST	MUSKOGEE	OK	74401
TOURNEAR ROOFING CO	2605 SPRING LAKE RD	QUINCY	IL	62305
TOWER MECHANICAL SERVICES	2125 W 20TH AVE	OSHKOSH	WI	54904
TPQ CORPORATION	8522 E 81ST ST	TULSA	OK	74133
TR MANAGEMENT INC	6700 SW TOPEKA BLVD #344	TOPEKA	KS	66619
TRAC WORK INC	303 W KNOX	ENNIS	TX	75119
TRAXLER CONSTRUCTION INC	625 COMMERCE DRIVE	LE CENTER	MN	56057
TRI STATE PAVING INC	STATE LINE RD	PICHER	OK	74360
TRI STATE SIGNING	509 BAILEY AVE	NEW HAMPTON	IA	50559
TRIAGE CONSULTING GROUP	221 MAIN STREET STE 1100	SAN FRANCISCO	CA	94105
TRIDAQ INC	1011 LEAVENWORTH	OMAHA	NE	68102
TRIGON ENGINEERING INC	475 17TH ST STE 300	DENVER	CO	80202
TRINITY EXCAVATING & CONSTRUCTION INC	1500 KANSAS CITY RD	OLATHE	KS	66061
TSC OF KANSAS INC	2200 W 75TH ST STE 15	PRAIRIE VILLAGE	KS	66208
TULSA INSPECTION RESOURCES INC	12811 E 86TH PLACE N #106	OWASSO	OK	74055
TWIN CITY POOLS INC	848 KANSAS AVE	KANSAS CITY	KS	66105
UNITED EXCEL CORPORATION	8041 W 47 ST STE 100	OVERLAND PARK	KS	66204
UNIVERSAL CONTRACTING CO	1207 LUCAS	BURLINGTON	IA	52601
UNIVERSAL LIMITED INC	932 ALTON PARKWAY	BIRMINGHAM	AL	35210
US ASPHALT CO	14012 GILES RD	OMAHA	NE	68138
VERSENT GROUP LLC	13608 W 95TH ST	LENEXA	KS	66215
VMP ENTERPRISES INC	728 WESLEY AVE	TARPON SPRINGS	FL	34689
VICS CRANE & HEAVY HAUL INC	3000 145TH STREET EAST	ROSEMOUNT	MN	55068
VINTAGE SPORTS CARDS INC	410 S TRADE CNTR PKWY #48	CONROE	TX	77385
VLS SYSTEMS INC	9900 MAIN ST #304	FAIRFAX	VA	22031

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
VON ALST HOLDING COMPANY	2416 SMELTING WORKS RD	SWANSEA	IL	62226
VON ROLL INC	3080 NORTHWOODS CIR STE 2	NORCROSS	GA	30071
W & G LLC	5075 CARPENTER RD	YPSILANTI	MI	48197
W G YATES & SONS CONSTRUCTION COMPA	104 GULLY AVENUE	PHILADELPHIA	PA	39350
WACHTER ELECTRIC COMPANY	16001 W 99TH ST	LENEXA	KS	66219
WADE & ASSOCIATES INC	2500 W 8TH ST STE E	LAWRENCE	KS	66049
WALKER CENTRIFUGE SERVICES LLC	516 B GRAVES BOULEVARD	SALINA	KS	67401
WALKER CONSTRUCTION CO INC	HWY 50 TO KAHOLA LAKE RD	EMPORIA	KS	66801
WALSH CONSTRUCTION COMPANY OF ILLIN	819 WALNUT	KANSAS CITY	MO	64108
WALT WAGNER CONSTRUCTION INC	305 S 5TH ST	LEAVENWORTH	KS	66048
WALTERS EXCAVATING	24060 K 68 HWY	PAOLA	KS	66071
WANZEK CONSTRUCTION INC	16553 37R ST SE	FARGO	ND	58103
WASATCH ELECTRIC A DIVISION OF DYNA	1420 SPRING HILL RD SE500	MCLEAN	VA	22102
WEATHERCRAFT COMPANY OF LINCOLN	545 J ST	LINCOLN	NE	68508
WEBER AIR CONDITIONING CO INC	2501 CONE DR	TARRANT	AL	35217
WEGMAN INC	808 W LASLEY	ST MARYS	KS	66546
WEITZ COMPANY LLC THE	400 LOCUST STE 300	DES MOINES	IA	50309
WELSH COMPANIES	8200 NORMANDALE BLVD #200	MINNEAPOLIS	MN	55437
WEST SIDE MECHANICAL INC	P O BOX 11247	KANSAS CITY	KS	66111
WESTERN CAROLINA PLUMBING	25 SANDTRAP RD	WAYNESVILLE	NC	28786
WESTIN CONSTRUCTION COMPANY	10828 MESBITT AVE SO	BLOOMINGTON	MN	55437
WHITE MOUNTAIN CABLE CONSTRUCTION C	OLD DOVER RD	EPSOM	NH	03234
WHITING TURNER CONTRACTING CO THE	300 E JOPPA RD	BALTIMORE	MD	21286
WILKINS GROUP INC	1710 FIRMAN DR #200	RICHARDSON	TX	75081
WILLIAMS ELECTRIC CO INC	695 DENTON BLVD	FORT WALTON BEA	FL	32547
WINTER CONSTRUCTION INC	114 ME ON 54 SOUTH	FORT SCOTT	KS	66701
WONDER PLUMBING INC	14216 DAYTON CIRCLE STE13	OMAHA	NE	68137
WOODS CONSTRUCTION INC	8396 PRODUCT DRIVE	STERLING HEIGHTS	MI	48312
WORLEY CLAIMS SERVICE INC	4736 W NAPOLEON AVE	METAIRIE	LA	70001
WR NEWMAN & ASSOCIATES INC	2854 LOGAN ST	NASHVILLE	TN	37211
WS BOWLWARE CONSTRUCTION INC	3140 W BRITTON RD STE 204	OKLAHOMA CITY	OK	73120
YAZAKI EDS ENGINEERING INC	6800 HAGGERTY RD	CANTON	MI	48187
YOUNGLOVE CONSTRUCTION LLC	2015 EAST 7TH STREET	SIOUX CITY	IA	51101
ZIMMERMAN CONSTRUCTION COMPANY INC	11005 W 126TH ST	OVERLAND PARK	KS	66213

Updated: 07/05/2006 8:05:37 AM

STATUTORY LIST OF CONTRACTORS BARRED FROM PUBLIC WORKS PROJECTS

The following is a list of contractor(s) who have been prosecuted and convicted of violating the Missouri Prevailing Wage Law, and whose Notice of Conviction has been filed with the Secretary of State pursuant to Section 290.330, RSMo.

<u>Name of Contractor</u>	<u>Name of Officers</u>	<u>Address</u>	<u>Date of Conviction</u>	<u>Debarment Period</u>
Stan Buffington DBA Buffington Brothers Heating & Cooling		110 N. Riverview Poplar Bluff, MO 63901	10/26/05	10/26/2005-10/26/06

The Secretary of State is required by sections 347.141 and 359.481, RSMo 2000 to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript.

**NOTICE OF DISSOLUTION
TO ALL CREDITORS OF AND
CLAIMANTS AGAINST
DUDA & MORROW HOLDINGS, L.L.C.**

On July 11, 2006, Duda & Morrow Holdings, L.L.C., a Missouri limited liability company, filed its Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State.

Said limited liability company requests that all persons and organizations who have claims against it present them immediately by letter to the limited liability company at:

DUDA & MORROW HOLDINGS, L.L.C.
Attn: S. SHAWN WHITNEY
901 ST. LOUIS, SUITE 1900
SPRINGFIELD, MISSOURI 65806

All claims must include the name and address of the claimant, the amount claimed, the basis for the claim, the date(s) on which the event(s) on which the claim is based occurred, and a brief description of the nature of the debt or the basis for the claim.

NOTICE: Because of the dissolution of Duda & Morrow Holdings, L.L.C. any claim against it will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication date of the three notices authorized by statute, whichever is published last.

**Notice of Dissolution
of Limited Liability Company
To All Creditors of and
Claimants Against Monterey Homes of Stonecrest, L.L.C.**

On June 30, 2006, Monterey Homes of Stonecrest, L.L.C., a Missouri limited liability company (hereinafter the "Company"), filed its Notice of Winding Up for a Limited Liability Company with the Missouri Secretary of State.

Any claims against the Company may be sent to: Helfrey, Neiers & Jones, P. C., ATTN: David F. Neiers, Esq., 120 S. Central Ave., Ste. 1500, St. Louis, Missouri 63105. Each claim must include the following information: the name, address and phone number of the claimant; the amount claimed; the date on which the claim arose; the basis for the claim; and documentation for the claim.

All claims against the Company will be barred unless the proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

**Notice of Dissolution
of Limited Liability Company
To All Creditors of and
Claimants Against Thornbury, L.L.C.**

On June 30, 2006, Thornbury, L.L.C., a Missouri limited liability company (hereinafter the "Company"), filed its Notice of Winding Up for a Limited Liability Company with the Missouri Secretary of State.

Any claims against the Company may be sent to: Helfrey, Neiers & Jones, P. C., ATTN: David F. Neiers, Esq., 120 S. Central Ave., Ste. 1500, St. Louis, Missouri 63105. Each claim must include the following information: the name, address and phone number of the claimant; the amount claimed; the date on which the claim arose; the basis for the claim; and documentation for the claim.

All claims against the Company will be barred unless the proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

Rule Changes Since Update to Code of State Regulations

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—30 (2005) and 31 (2006). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
OFFICE OF ADMINISTRATION					
1 CSR 10	State Officials' Salary Compensation Schedule				30 MoReg 2435
1 CSR 10-11.030	Commissioner of Administration		31 MoReg 901		
1 CSR 15-1.204	Administrative Hearing Commission		31 MoReg 971		
1 CSR 15-3.200	Administrative Hearing Commission		31 MoReg 971		
1 CSR 15-3.350	Administrative Hearing Commission		31 MoReg 972		
1 CSR 15-3.390	Administrative Hearing Commission		31 MoReg 972		
1 CSR 15-3.420	Administrative Hearing Commission		31 MoReg 972		
1 CSR 15-3.470	Administrative Hearing Commission		31 MoReg 973		
1 CSR 20-5.020	Personnel Advisory Board and Division of Personnel		30 MoReg 2384 31 MoReg 1057		
DEPARTMENT OF AGRICULTURE					
2 CSR 30-10.010	Animal Health		31 MoReg 462	31 MoReg 999	
2 CSR 80-5.010	State Milk Board		31 MoReg 586	31 MoReg 1181	
DEPARTMENT OF CONSERVATION					
3 CSR 10-1.010	Conservation Commission		31 MoReg 1058		
3 CSR 10-4.111	Conservation Commission		31 MoReg 768		
3 CSR 10-4.135	Conservation Commission		31 MoReg 589	31 MoReg 999	
3 CSR 10-7.431	Conservation Commission		N.A.	31 MoReg 999	
3 CSR 10-7.432	Conservation Commission		N.A.	31 MoReg 1000	
3 CSR 10-7.433	Conservation Commission		N.A.	31 MoReg 1000	
3 CSR 10-7.434	Conservation Commission		N.A.	31 MoReg 1000	
3 CSR 10-7.438	Conservation Commission		N.A.	31 MoReg 1001	
3 CSR 10-7.440	Conservation Commission		N.A.	This Issue	
3 CSR 10-7.455	Conservation Commission		N.A.	31 MoReg 1001	31 MoReg 244
3 CSR 10-9.110	Conservation Commission		31 MoReg 768	31 MoReg 1181	
3 CSR 10-9.565	Conservation Commission		31 MoReg 769		
3 CSR 10-10.707	Conservation Commission		31 MoReg 589	31 MoReg 1001	
3 CSR 10-10.708	Conservation Commission		31 MoReg 592	31 MoReg 1001	
3 CSR 10-10.710	Conservation Commission		31 MoReg 594R	31 MoReg 1002R	
3 CSR 10-10.715	Conservation Commission		31 MoReg 596	31 MoReg 1002	
3 CSR 10-10.722	Conservation Commission		31 MoReg 973		
3 CSR 10-10.724	Conservation Commission		N.A.	31 MoReg 1002	
3 CSR 10-10.725	Conservation Commission		31 MoReg 603	31 MoReg 1002	
3 CSR 10-10.726	Conservation Commission		N.A.	31 MoReg 1002	
3 CSR 10-11.120	Conservation Commission		31 MoReg 603	31 MoReg 1003	
3 CSR 10-11.135	Conservation Commission		31 MoReg 603	31 MoReg 1003	
3 CSR 10-11.180	Conservation Commission		31 MoReg 604	31 MoReg 1003	
3 CSR 10-11.205	Conservation Commission		31 MoReg 605	31 MoReg 1003	
3 CSR 10-12.110	Conservation Commission		31 MoReg 605	31 MoReg 1003	
			N.A.	31 MoReg 1004	
3 CSR 10-12.115	Conservation Commission		31 MoReg 605	31 MoReg 1004	
3 CSR 10-12.125	Conservation Commission		31 MoReg 606	31 MoReg 1004	
			N.A.	31 MoReg 1004	
3 CSR 10-12.130	Conservation Commission		N.A.	31 MoReg 1005	
3 CSR 10-12.135	Conservation Commission		31 MoReg 607	31 MoReg 1005	
3 CSR 10-12.140	Conservation Commission		31 MoReg 607	31 MoReg 1005	
3 CSR 10-12.145	Conservation Commission		31 MoReg 607	31 MoReg 1005	
DEPARTMENT OF ECONOMIC DEVELOPMENT					
4 CSR 10-1.010	Missouri State Board of Accountancy		31 MoReg 653		
4 CSR 10-1.020	Missouri State Board of Accountancy		31 MoReg 653		
4 CSR 10-1.050	Missouri State Board of Accountancy		31 MoReg 654		
4 CSR 10-2.005	Missouri State Board of Accountancy		31 MoReg 656		
4 CSR 10-2.022	Missouri State Board of Accountancy		31 MoReg 656R 31 MoReg 656		
4 CSR 10-2.041	Missouri State Board of Accountancy		31 MoReg 659		
4 CSR 10-2.051	Missouri State Board of Accountancy		31 MoReg 659		
4 CSR 10-2.065	Missouri State Board of Accountancy		31 MoReg 660		
4 CSR 10-2.070	Missouri State Board of Accountancy		31 MoReg 663		
4 CSR 10-2.072	Missouri State Board of Accountancy		31 MoReg 663		
4 CSR 10-2.075	Missouri State Board of Accountancy		31 MoReg 664		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
4 CSR 10-2.130	Missouri State Board of Accountancy		31 MoReg 664R 31 MoReg 664		
4 CSR 10-2.140	Missouri State Board of Accountancy		31 MoReg 667		
4 CSR 10-2.150	Missouri State Board of Accountancy		31 MoReg 668R 31 MoReg 668		
4 CSR 10-2.160	Missouri State Board of Accountancy		31 MoReg 669		
4 CSR 85-4.010	Division of Community and Economic Development		31 MoReg 973		
4 CSR 100-2.075	Division of Credit Unions		31 MoReg 1058		
4 CSR 105-3.010	Credit Union Commission		31 MoReg 1061		
4 CSR 105-3.011	Credit Union Commission		31 MoReg 1062		
4 CSR 105-3.012	Credit Union Commission		31 MoReg 1063		
4 CSR 120-2.060	State Board of Embalmers and Funeral Directors		31 MoReg 542	31 MoReg 1181	
4 CSR 150-9.010	State Board of Registration for the Healing Arts		31 MoReg 292	31 MoReg 1005	
4 CSR 150-9.020	State Board of Registration for the Healing Arts		31 MoReg 292	31 MoReg 1006	
4 CSR 150-9.030	State Board of Registration for the Healing Arts		31 MoReg 292	31 MoReg 1006	
4 CSR 150-9.040	State Board of Registration for the Healing Arts		31 MoReg 296	31 MoReg 1007	
4 CSR 150-9.050	State Board of Registration for the Healing Arts		31 MoReg 296	31 MoReg 1008	
4 CSR 150-9.051	State Board of Registration for the Healing Arts		31 MoReg 297	31 MoReg 1009W	
4 CSR 150-9.060	State Board of Registration for the Healing Arts		31 MoReg 298	31 MoReg 1009	
4 CSR 150-9.070	State Board of Registration for the Healing Arts		31 MoReg 301	31 MoReg 1009	31 MoReg 1103
4 CSR 150-9.080	State Board of Registration for the Healing Arts		31 MoReg 303	31 MoReg 1009	
4 CSR 150-9.090	State Board of Registration for the Healing Arts		31 MoReg 303	31 MoReg 1010	
4 CSR 150-9.100	State Board of Registration for the Healing Arts		31 MoReg 303	31 MoReg 1010	
4 CSR 150-9.110	State Board of Registration for the Healing Arts		31 MoReg 304	31 MoReg 1010	
4 CSR 150-9.120	State Board of Registration for the Healing Arts		31 MoReg 304	31 MoReg 1010	
4 CSR 150-9.130	State Board of Registration for the Healing Arts		31 MoReg 305	31 MoReg 1010	
4 CSR 150-9.140	State Board of Registration for the Healing Arts		31 MoReg 305	31 MoReg 1010	
4 CSR 232-3.010	Missouri State Committee of Interpreters		This Issue		
4 CSR 235-5.030	State Committee of Psychologists		This IssueR This Issue		
4 CSR 235-7.020	State Committee of Psychologists		This Issue		
4 CSR 235-7.030	State Committee of Psychologists		This Issue		
4 CSR 240-2.135	Public Service Commission		31 MoReg 982		
4 CSR 240-3.161	Public Service Commission		31 MoReg 1063		
4 CSR 240-3.545	Public Service Commission		31 MoReg 902		
4 CSR 240-13.055	Public Service Commission		31 MoReg 902		
4 CSR 240-20.090	Public Service Commission		31 MoReg 1076		
4 CSR 250-3.010	Missouri Real Estate Commission		31 MoReg 672	This Issue	
4 CSR 250-3.020	Missouri Real Estate Commission		31 MoReg 675	This Issue	
4 CSR 250-5.030	Missouri Real Estate Commission		31 MoReg 675	This Issue	
4 CSR 250-5.040	Missouri Real Estate Commission		31 MoReg 678	This Issue	
4 CSR 250-6.010	Missouri Real Estate Commission		31 MoReg 678R	This IssueR	
4 CSR 250-6.020	Missouri Real Estate Commission		31 MoReg 678R	This IssueR	
4 CSR 250-6.040	Missouri Real Estate Commission		31 MoReg 678R	This IssueR	
4 CSR 250-6.050	Missouri Real Estate Commission		31 MoReg 679R	This IssueR	
4 CSR 250-6.060	Missouri Real Estate Commission		31 MoReg 679	This Issue	
4 CSR 250-7.010	Missouri Real Estate Commission		31 MoReg 682R	This IssueR	
			31 MoReg 682	This Issue	
4 CSR 250-7.020	Missouri Real Estate Commission		31 MoReg 686R	This IssueR	
			31 MoReg 686	This Issue	
4 CSR 250-7.030	Missouri Real Estate Commission		31 MoReg 691R	This IssueR	
4 CSR 250-7.040	Missouri Real Estate Commission		31 MoReg 691R	This IssueR	
4 CSR 250-7.050	Missouri Real Estate Commission		31 MoReg 691R	This IssueR	
4 CSR 250-7.060	Missouri Real Estate Commission		31 MoReg 691	This Issue	
4 CSR 250-7.070	Missouri Real Estate Commission		31 MoReg 692	This Issue	
4 CSR 250-7.080	Missouri Real Estate Commission		31 MoReg 693	This Issue	
4 CSR 250-7.090	Missouri Real Estate Commission		31 MoReg 696	This Issue	
4 CSR 250-10.010	Missouri Real Estate Commission		31 MoReg 698R	This IssueR	
4 CSR 250-10.020	Missouri Real Estate Commission		31 MoReg 698R	This IssueR	
4 CSR 250-10.030	Missouri Real Estate Commission		31 MoReg 698R	This IssueR	
4 CSR 250-10.040	Missouri Real Estate Commission		31 MoReg 698R	This IssueR	
4 CSR 250-10.050	Missouri Real Estate Commission		31 MoReg 699R	This IssueR	
4 CSR 250-10.060	Missouri Real Estate Commission		31 MoReg 699R	This IssueR	
4 CSR 250-10.070	Missouri Real Estate Commission		31 MoReg 699R	This IssueR	
4 CSR 250-10.075	Missouri Real Estate Commission		31 MoReg 699R	This IssueR	
4 CSR 250-10.080	Missouri Real Estate Commission		31 MoReg 700R	This IssueR	
4 CSR 250-10.100	Missouri Real Estate Commission		31 MoReg 700	This Issue	
4 CSR 267-2.020	Office of Tattooing, Body Piercing and Branding		This Issue		
DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION					
5 CSR 30-260.010	Division of Administrative and Financial Services		31 MoReg 849		
5 CSR 30-261.025	Division of Administrative and Financial Services		31 MoReg 984		
5 CSR 50-345.020	Division of School Improvement		This IssueR		
5 CSR 80-805.015	Teacher Quality and Urban Education		This Issue		
5 CSR 80-805.030	Teacher Quality and Urban Education		31 MoReg 849		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
DEPARTMENT OF TRANSPORTATION					
7 CSR 10-1.010	Missouri Highways and Transportation Commission		31 MoReg 1083		
7 CSR 10-14.010	Missouri Highways and Transportation Commission		31 MoReg 314	31 MoReg 1096	
7 CSR 10-14.020	Missouri Highways and Transportation Commission		31 MoReg 314	31 MoReg 1096	
7 CSR 10-14.030	Missouri Highways and Transportation Commission		31 MoReg 314	31 MoReg 1096	
7 CSR 10-14.040	Missouri Highways and Transportation Commission		31 MoReg 315	31 MoReg 1096	
7 CSR 10-14.050	Missouri Highways and Transportation Commission		31 MoReg 316	31 MoReg 1097	
7 CSR 10-14.060	Missouri Highways and Transportation Commission		31 MoReg 316	31 MoReg 1097	
7 CSR 10-25.010	Missouri Highways and Transportation Commission				31 MoReg 1016 This Issue
7 CSR 10-25.040	Missouri Highways and Transportation Commission		31 MoReg 906		
7 CSR 10-26.010	Missouri Highways and Transportation Commission		31 MoReg 317	31 MoReg 1097	
7 CSR 10-26.020	Missouri Highways and Transportation Commission		31 MoReg 317	31 MoReg 1098	
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS					
8 CSR 50-2.060	Division of Workers' Compensation		31 MoReg 770R 31 MoReg 771		
DEPARTMENT OF MENTAL HEALTH					
9 CSR 45-2.015	Division of Mental Retardation and Developmental Disabilities		31 MoReg 704		
9 CSR 45-2.017	Division of Mental Retardation and Developmental Disabilities		31 MoReg 704		
9 CSR 45-5.120	Division of Mental Retardation and Developmental Disabilities				31 MoReg 394RUC
9 CSR 50-2.010	Admission Criteria		31 MoReg 462	31 MoReg 1011W	
9 CSR 50-2.020	Admission Criteria		31 MoReg 465	31 MoReg 1011	
9 CSR 50-2.510	Admission Criteria		31 MoReg 466	31 MoReg 1011	
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10 CSR 10-6.070	Air Conservation Commission		31 MoReg 906		
10 CSR 10-6.075	Air Conservation Commission		31 MoReg 908		
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10 CSR 10-6.110	Air Conservation Commission		31 MoReg 911		
10 CSR 10-6.345	Air Conservation Commission		31 MoReg 919		
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10 CSR 25-5.262	Hazardous Waste Management Commission		31 MoReg 720		
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10 CSR 25-7.264	Hazardous Waste Management Commission		31 MoReg 721		
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10 CSR 25-7.266	Hazardous Waste Management Commission		31 MoReg 722		
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11 CSR 45-3.010	Missouri Gaming Commission		31 MoReg 725		
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11 CSR 45-30.035	Missouri Gaming Commission		31 MoReg 379	31 MoReg 1182	
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12 CSR 10-103.400	Director of Revenue		31 MoReg 857		
12 CSR 10-108.300	Director of Revenue		31 MoReg 861		
12 CSR 10-200.010	Director of Revenue		31 MoReg 727		
12 CSR 30-1.010	State Tax Commission		31 MoReg 771		
12 CSR 30-1.020	State Tax Commission		31 MoReg 772		
12 CSR 30-3.060	State Tax Commission		31 MoReg 217	31 MoReg 1011	
12 CSR 30-3.065	State Tax Commission		31 MoReg 218	31 MoReg 1013	
12 CSR 30-3.090	State Tax Commission		31 MoReg 772		
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13 CSR 70-1.010	Division of Medical Services		31 MoReg 772		
13 CSR 70-3.030	Division of Medical Services		31 MoReg 1155		
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13 CSR 70-3.180	Division of Medical Services		31 MoReg 1155		
13 CSR 70-4.080	Division of Medical Services	31 MoReg 1048	31 MoReg 1091		
13 CSR 70-6.010	Division of Medical Services		31 MoReg 468	31 MoReg 1184	
13 CSR 70-10.015	Division of Medical Services	31 MoReg 1050	31 MoReg 920		
13 CSR 70-10.080	Division of Medical Services	31 MoReg 1051	31 MoReg 923		
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20 CSR 200-11.101	Financial Examination		31 MoReg 776		
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20 CSR 700-6.350	Licensing		31 MoReg 931		

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13 CSR 35-60.010	Family Homes Offering Foster Care. Next Issue	January 30, 2007
13 CSR 35-60.030	Minimum Qualifications of Foster Parent(s) Next Issue	January 30, 2007
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13 CSR 40-60.010	Family Homes Offering Foster Care. Next Issue	January 30, 2007
13 CSR 40-60.030	Minimum Qualifications of Foster Parent(s) Next Issue	January 30, 2007
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13 CSR 70-3.170	Medicaid Managed Care Organization Reimbursement Allowance. 31 MoReg 899	November 10, 2006
13 CSR 70-3.170	Medicaid Managed Care Organization Reimbursement Allowance. 31 MoReg 1047	December 28, 2006
13 CSR 70-4.080	Children's Health Insurance Program 31 MoReg 1048	December 28, 2006
13 CSR 70-10.015	Prospective Reimbursement Plan for Nursing Facility Services. 31 MoReg 1050	December 28, 2006
13 CSR 70-10.080	Prospective Reimbursement Plan for HIV Nursing Facility Services . . . 31 MoReg 1051	December 28, 2006
13 CSR 70-15.110	Federal Reimbursement Allowance (FRA) 31 MoReg 900	November 15, 2006
13 CSR 70-15.110	Federal Reimbursement Allowance (FRA) 31 MoReg 1052	December 28, 2006
13 CSR 70-40.010	Optical Care Benefits and Limitations—Medicaid Program 31 MoReg 1052	December 28, 2006
13 CSR 70-60.010	Durable Medical Equipment Program. 31 MoReg 1053	December 28, 2006
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15 CSR 30-9.020	Uniform Counting Standards—Optical Scan Voting Systems 31 MoReg 441	August 16, 2006
15 CSR 30-9.020	Uniform Counting Standards—Optical Scan Voting Systems 31 MoReg 843	August 16, 2006
15 CSR 30-9.030	Uniform Counting Standards—Paper Ballots. 31 MoReg 445	August 16, 2006
15 CSR 30-9.030	Uniform Counting Standards—Paper Ballots. 31 MoReg 846	August 16, 2006
15 CSR 30-10.010	Definitions 31 MoReg 1129	February 22, 2007
15 CSR 30-10.020	Certification Statements for New or Modified Electronic Voting Systems 31 MoReg 1130	February 22, 2007
15 CSR 30-10.130	Voter Education and Voting Device Preparation (DREs and Precinct Counters). 31 MoReg 1132	February 22, 2007
15 CSR 30-10.140	Electronic Ballot Tabulation—Counting Preparation and Logic and Accuracy Testing (DREs and Precinct Counters) 31 MoReg 1133	February 22, 2007
15 CSR 30-10.150	Closing Polling Places (Precinct Counters and DREs) 31 MoReg 1134	February 22, 2007
15 CSR 30-10.160	Electronic Ballot Tabulation—Election Procedures (Precinct Counters and DREs). 31 MoReg 1135	February 22, 2007

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2006

06-01	Designates members of staff with supervisory authority over selected state agencies	January 10, 2006	31 MoReg 281
06-02	Extends the deadline for the State Retirement Consolidation Commission to issue its final report and terminate operations to March 1, 2006	January 11, 2006	31 MoReg 283
06-03	Creates and establishes the Missouri Healthcare Information Technology Task Force	January 17, 2006	31 MoReg 371
06-04	Governor Matt Blunt transfers functions, personnel, property, etc. of the Division of Finance, the State Banking Board, the Division of Credit Unions, and the Division of Professional Registration to the Department of Insurance. Renames the Department of Insurance as the Missouri Department of Insurance, Financial Institutions and Professional Registration. Effective August 28, 2006	February 1, 2006	31 MoReg 448
06-05	Governor Matt Blunt transfers functions, personnel, property, etc. of the Missouri Rx Plan Advisory Commission to the Missouri Department of Health and Senior Services. Effective August 28, 2006	February 1, 2006	31 MoReg 451
06-06	Governor Matt Blunt transfers functions, personnel, property, etc. of the Missouri Assistive Technology Advisory Council to the Missouri Department of Elementary and Secondary Education. Rescinds certain provisions of Executive Order 04-08. Effective August 28, 2006	February 1, 2006	31 MoReg 453
06-07	Governor Matt Blunt transfers functions, personnel, property, etc. of the Missouri Life Sciences Research Board to the Missouri Department of Economic Development	February 1, 2006	31 MoReg 455
06-08	Names the state office building, located at 1616 Missouri Boulevard, Jefferson City, Missouri, in honor of George Washington Carver	February 7, 2006	31 MoReg 457
06-09	Directs and orders that the Director of the Department of Public Safety is the Homeland Security Advisor to the Governor, reauthorizes the Homeland Security Advisory Council and assigns them additional duties	February 10, 2006	31 MoReg 460
06-10	Establishes the Government, Faith-based and Community Partnership	March 7, 2006	31 MoReg 577
06-11	Orders and directs the Adjutant General to call and order into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property and to employ such equipment as may be necessary in support of civilian authorities	March 13, 2006	31 MoReg 580
06-12	Declares that a State of Emergency exists in the State of Missouri and directs that the Missouri State Emergency Operation Plan be activated	March 13, 2006	31 MoReg 582
06-13	The Director of the Missouri Department of Natural Resources is vested with full discretionary authority to temporarily waive or suspend the operation of any statutory or administrative rule or regulation currently in place under his purview in order to best serve the public health and safety during the period of the emergency and the subsequent recovery period	March 13, 2006	31 MoReg 584
06-14	Declares a State of Emergency exists in the State of Missouri and directs that the Missouri State Emergency Operation Plan be activated	April 3, 2006	31 MoReg 643
06-15	Orders and directs the Adjutant General, or his designee, to call and order into active service portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property, and take such action and employ such equipment as may be necessary in support of civilian authorities, and provide assistance as authorized and directed by the Governor	April 3, 2006	31 MoReg 645
06-16	Declares that a State of Emergency exists in the State of Missouri, directs that the Missouri State Emergency Operations Plan be activated	April 3, 2006	31 MoReg 647
06-17	Declares that a State of Emergency exists in the State of Missouri, directs that the Missouri State Emergency Operations Plan be activated	April 3, 2006	31 MoReg 649
06-18	Authorizes the investigators from the Division of Fire Safety, the Park Rangers from the Department of Natural Resources, the Conservation Agents from the Department of Conservation, and other POST certified state agency investigators to exercise full state wide police authority as vested in Missouri peace officers pursuant to Chapter 590, RSMo during the period of this state declaration of emergency	April 3, 2006	31 MoReg 651
06-19	Allows the director of the Missouri Department of Natural Resources to grant waivers to help expedite storm recovery efforts	April 3, 2006	31 MoReg 652
06-20	Creates interim requirements for overdimension and overweight permits for commercial motor carriers engaged in storm recovery efforts	April 5, 2006	31 MoReg 765
06-21	Designates members of staff with supervisory authority over selected state agencies	June 2, 2006	31 MoReg 1055

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06-22	Healthy Families Trust Fund	June 22, 2006	31 MoReg 1137
06-23	Establishes Interoperable Communication Committee	June 27, 2006	31 MoReg 1139
06-24	Establishes Missouri Abraham Lincoln Bicentennial Commission	July 3, 2006	This Issue
06-25	Declares that a State of Emergency exists in the State of Missouri, directs that the Missouri State Emergency Operations Plan be activated	July 20, 2006	Next Issue
06-26	Directs the Adjutant General to call and order into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property, and to support civilian authorities	July 20, 2006	Next Issue
06-27	Allows the director of the Missouri Department of Natural Resources to grant waivers to help expedite storm recovery efforts	July 21, 2006	Next Issue
06-28	Authorizes Transportation Director to issue declaration of regional or local emergency with reference to motor carriers	July 22, 2006	Next Issue

2005

05-01	Rescinds Executive Order 01-09	January 11, 2005	30 MoReg 261
05-02	Restricts new lease and purchase of vehicles, cellular phones, and office space by executive agencies	January 11, 2005	30 MoReg 262
05-03	Closes state's Washington D.C. office	January 11, 2005	30 MoReg 264
05-04	Authorizes Transportation Director to issue declaration of regional or local emergency with reference to motor carriers	January 11, 2005	30 MoReg 266
05-05	Establishes the 2005 Missouri State Government Review Commission	January 24, 2005	30 MoReg 359
05-06	Bans the use of video games by inmates in all state correctional facilities	January 24, 2005	30 MoReg 362
05-07	Consolidates the Office of Information Technology to the Office of Administration's Division of Information Services	January 26, 2005	30 MoReg 363
05-08	Consolidates the Division of Design and Construction to Division of Facilities Management, Design and Construction	February 2, 2005	30 MoReg 433
05-09	Transfers the Missouri Head Injury Advisory Council to the Department of Health and Senior Services	February 2, 2005	30 MoReg 435
05-10	Transfers and consolidates in-home care for elderly and disabled individuals from the Department of Elementary and Secondary Education and the Department of Social Services to the Department of Health and Senior Services	February 3, 2005	30 MoReg 437
05-11	Rescinds Executive Order 04-22 and orders the Department of Health and Senior Services and all Missouri health care providers and others that possess influenza vaccine adopt the Center for Disease Control and Prevention, Advisory Committee for Immunization Practices expanded priority group designations as soon as possible and update the designations as necessary	February 3, 2005	30 MoReg 439
05-12	Designates members of staff with supervisory authority over selected state agencies	March 8, 2005	30 MoReg 607
05-13	Establishes the Governor's Advisory Council for Plant Biotechnology	April 26, 2005	30 MoReg 1110
05-14	Establishes the Missouri School Bus Safety Task Force	May 17, 2005	30 MoReg 1299
05-15	Establishes the Missouri Task Force on Eminent Domain	June 28, 2005	30 MoReg 1610
05-16	Transfers all power, duties and functions of the State Board of Mediation to the Labor and Industrial Relations Commission of Missouri	July 1, 2005	30 MoReg 1612
05-17	Declares a DROUGHT ALERT for the counties of Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Howell, Iron, Madison, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Pike, Ralls, Reynolds, Ripley, Ste. Francois, Ste. Genevieve, Scott, Shannon, Stoddard and Wayne	July 5, 2005	30 MoReg 1693
05-18	Directs the Director of the Department of Insurance to adopt rules to protect consumer privacy while providing relevant information about insurance companies to the public	July 12, 2005	30 MoReg 1695
05-19	Creates the Insurance Advisory Panel to provide advice to the Director of Insurance	July 19, 2005	30 MoReg 1786
05-20	Establishes the Missouri Homeland Security Advisory Council. Creates the Division of Homeland Security within the Department of Public Safety. Rescinds Executive Orders 02-15 and 02-16	July 21, 2005	30 MoReg 1789
05-21	Creates and amends Meramec Regional Planning Commission to include Pulaski County	August 22, 2005	30 MoReg 2006
05-22	Establishes the State Retirement Consolidation Commission	August 26, 2005	30 MoReg 2008
05-23	Acknowledges regional state of emergency and temporarily waives regulatory requirements for vehicles engaged in interstate disaster relief	August 30, 2005	30 MoReg 2010
05-24	Implements the Emergency Mutual Assistance Compact (EMAC) with the state of Mississippi, directs SEMA to activate the EMAC plan, authorizes use of the Missouri National Guard	August 30, 2005	30 MoReg 2013

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05-25	Implements the Emergency Mutual Assistance Compact (EMAC) with the state of Louisiana, directs SEMA to activate the EMAC plan, authorizes use of the Missouri National Guard	August 30, 2005	30 MoReg 2015
05-26	Declares a state of emergency in Missouri and suspends rules and regulations regarding licensing of healthcare providers while treating Hurricane Katrina evacuees	September 2, 2005	30 MoReg 2129
05-27	Directs all relevant state agencies to facilitate the temporary licensure of any healthcare providers accompanying and/or providing direct care to evacuees	September 2, 2005	30 MoReg 2131
05-28	Declares that a State of Emergency exists in the State of Missouri, directs that the Missouri State Emergency Operations Plan be activated, and authorizes the use of state agencies to provide support to the relocation of Hurricane Katrina disaster victims	September 4, 2005	30 MoReg 2133
05-29	Directs the Adjutant General call and order into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property, and to support civilian authorities	September 4, 2005	30 MoReg 2135
05-30	Governor Matt Blunt establishes the Office of Supplier and Workforce Diversity to replace the Office of Equal Opportunity. Declares policies and procedures for procuring goods and services and remedying discrimination against minority and women-owned business enterprises	September 8, 2005	30 MoReg 2137
05-31	Assigns the Missouri Community Service Commission to the Department of Economic Development	September 14, 2005	30 MoReg 2227
05-32	Grants leave to additional employees participating in disaster relief services	September 16, 2005	30 MoReg 2229
05-33	Directs the Department of Corrections to lead an interagency steering team for the Missouri Reentry Process (MRP)	September 21, 2005	30 MoReg 2231
05-34	Orders the Adjutant General to call into active service portions of the militia in response to the influx of Hurricane Rita victims	September 23, 2005	30 MoReg 2233
05-35	Declares a State of Emergency, directs the State Emergency Operations Plan be activated, and authorizes use of state agencies to provide support for the relocation of Hurricane Rita victims	September 23, 2005	30 MoReg 2235
05-36	Acknowledges regional state of emergency and temporarily waives regulatory requirements for commercial vehicles engaged in interstate disaster relief	September 23, 2005	30 MoReg 2237
05-37	Closes state offices on Friday, November 25, 2005	October 11, 2005	30 MoReg 2383
05-38	Implements the EMAC with the State of Florida in response to Hurricane Wilma	October 21, 2005	30 MoReg 2470
05-39	Acknowledges continuing regional state of emergency, temporarily limits regulatory requirements for commercial vehicles engaged in interstate disaster relief, and rescinds orders 05-23 and 05-36	October 25, 2005	30 MoReg 2472
05-40	Amends Executive Order 98-15 to increase the Missouri State Park Advisory Board from eight to nine members	October 26, 2005	30 MoReg 2475
05-41	Creates and establishes the Governor's Advisory Council for Veterans Affairs	November 14, 2005	30 MoReg 2552
05-42	Establishes the National Incident Management System (NIMS) as the standard for emergency incident management in the State of Missouri	November 14, 2005	30 MoReg 2554
05-43	Creates and establishes the Hispanic Business, Trade and Culture Commission and abolishes the Missouri Governor's Commission on Hispanic Affairs	November 30, 2005	31 MoReg 93
05-44	Declares a state of emergency and activates the Missouri State Emergency Operations Plan as a result of the failure of the dam at Taum Sauk Reservoir	December 14, 2005	31 MoReg 96
05-45	Directs the Adjutant General to activate the organized militia as needed as a result of the failure of the dam at Taum Sauk Reservoir	December 14, 2005	31 MoReg 97
05-46	Creates and establishes the Missouri Energy Task Force	December 27, 2005	31 MoReg 206
05-47	Directs that the issuance of overdimension and overweight permits by the Missouri Department of Transportation for commercial motor carriers engaged in cleanup efforts in Reynolds County resulting from the Taum Sauk Upper Reservoir failure shall be subject to interim application requirements	December 29, 2005	31 MoReg 279

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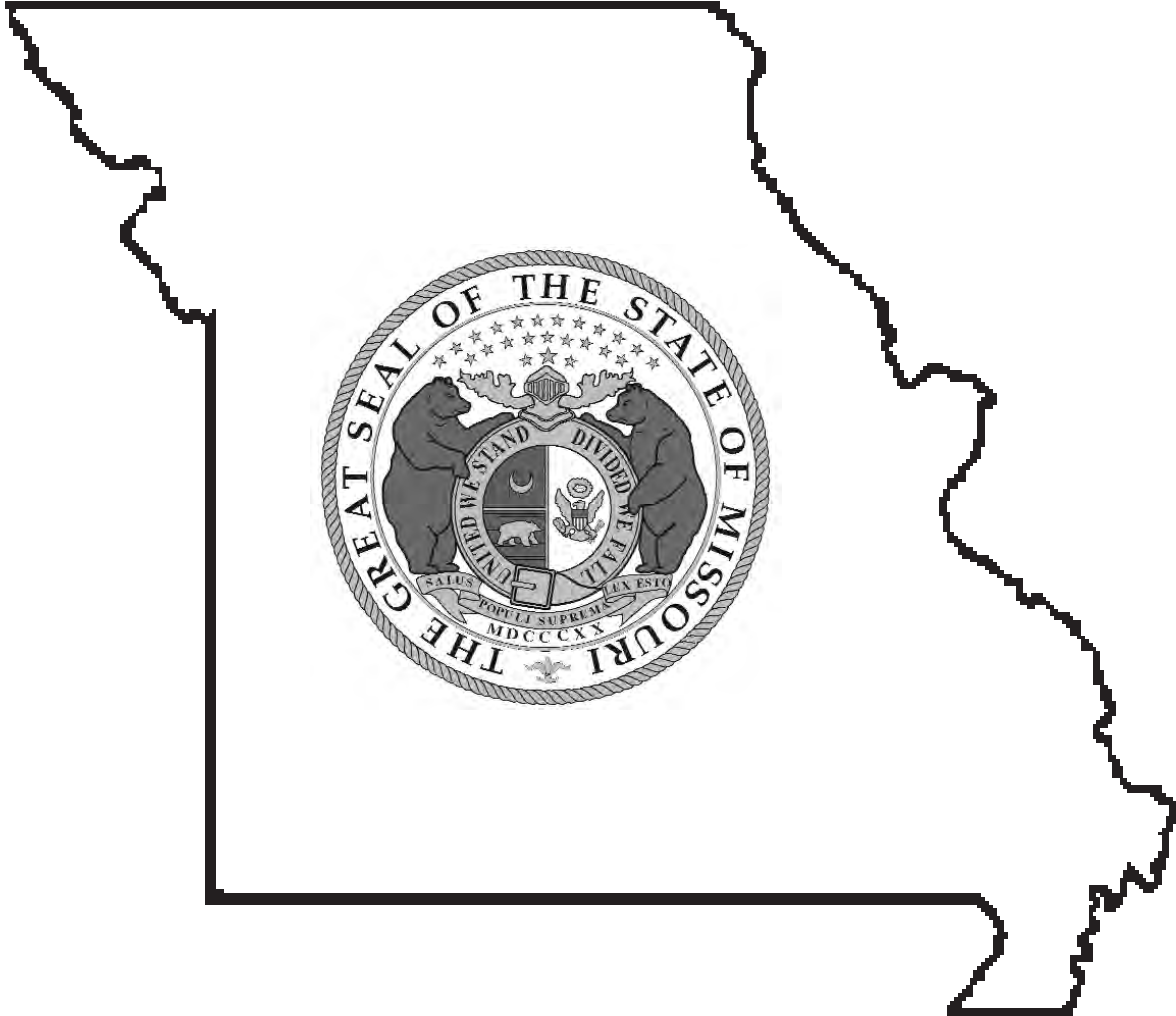
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